

RECORD OF THE STATE PRIMARY
Tuesday, September 4, 2018

The ballot box returns in the Precincts were as follows:

Pursuant to a Warrant issued by the Selectmen July 24, 2018 the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the fourth day of September in the year 2018 at seven o'clock in the forenoon for the purpose of nominating State and Country officers. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero report printed. The boxes were then locked and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A - The Center at the Heights
 Precinct B - The Center at the Heights
 Precinct C - Newman School – Gymnasium
 Precinct D - Newman School - Gymnasium
 Precinct E - Broadmeadow School Performance Center
 Precinct F - Needham High School – Gymnasium B
 Precinct G - Needham High School – Gymnasium B
 Precinct H - Broadmeadow School Performance Center
 Precinct I- William Mitchell School - Gymnasium
 Precinct J- William Mitchell School - Gymnasium

The polls were opened at seven o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

Cards of instruction and specimen ballots were posted as required by Section 48, Chapter 54 of the General Laws.

<u>PRECINCTS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	33	31	27	43	40
9:00 A.M.	80	83	88	91	98
10:00 A.M.	145	139	152	134	133
11:00 A.M.	185	270	230	198	203
12:00 NOON	215	340	277	241	244
1:00 P.M.	260	385	320	296	284
2:00 P.M.	301	421	360	345	319
3:00 P.M.	330	464	396	365	353
4:00 P.M.	375	508	441	408	380
5:00 P.M.	-	555	507	463	420
6:00 P.M.	-	625	560	535	511
7:00 P.M.	-	702	640	616	612
8:00 P.M.	604	758	704	677	694

<u>PRECINCTS</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	36	40	103	57	42
9:00 A.M.	127	87	171	132	90
10:00 A.M.	160	150	219	167	218
11:00 A.M.	214	197	269	252	238
12:00 NOON	252	227	292	286	280
1:00 P.M.	281	262	325	317	310
2:00 P.M.	328	299	370	354	351
3:00 P.M.	353	320	397	395	369
4:00 P.M.	408	373	435	428	415
5:00 P.M.	473	455	500	488	468
6:00 P.M.	557	530	568	580	526
7:00 P.M.	648	636	656	673	621
8:00 P.M.	724	729	740	759	699

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:52 P.M., September 4, 2018.

The total number of votes cast was as follows:

	Democrat	Republican	Libertarian	Total
Precinct A	471	131	2	604
Precinct B	594	162	3	759
Precinct C	561	143	0	704
Precinct D	540	137	0	677
Precinct E	574	119	1	694
Precinct F	602	125	1	728
Precinct G	591	140	0	731
Precinct H	576	169	0	745
Precinct I	645	117	0	762
Precinct J	582	117	3	702
TOTAL	5,736	1,360	10	7,106

(The absentee ballots are included in the Total Vote)

TOTAL VOTE CAST – 7,106
(33.9% of 20,949 Registered Voters or 32.2
% of 22,054 including 1105 inactive voters)

The result of the balloting was as follows:

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>DEMOCRATIC PARTY</u>											
Total # of Votes Cast	471	594	561	540	574	602	591	576	645	582	5,736
<u>SENATOR IN CONGRESS (Vote for One)</u>											
Elizabeth A. Warren	409	522	480	475	496	508	499	489	575	507	4960
Scattered Write-Ins:	9	7	11	8	13	7	17	9	6	11	98
Blanks	53	65	70	57	65	87	75	78	64	64	678
TOTAL	471	594	561	540	574	602	591	576	645	582	5736
<u>GOVERNOR (Vote for One)</u>											
Jay M. Gonzalez	327	415	409	414	400	443	458	391	507	418	4182
Bob Massie	46	74	48	46	72	71	52	66	60	61	596
Scattered Write-Ins:	4	6	3	10	6	8	5	7	7	3	59
Blanks	94	99	101	70	96	80	76	112	71	100	899
TOTAL	471	594	561	540	574	602	591	576	645	582	5736
<u>LIEUTENANT GOVERNOR (Vote for One)</u>											
Quentin Palfrey	197	269	262	269	254	273	293	266	333	272	2688
Jimmy Tingle	141	182	154	148	179	179	155	147	168	164	1617
Scattered Write-Ins:	1	0	0	0	4	2	3	4	2	2	18
Blanks	132	143	145	123	137	148	140	159	142	144	1413
TOTAL	471	594	561	540	574	602	591	576	645	582	5736
<u>ATTORNEY GENERAL (Vote for One)</u>											
Maura Healey	419	537	493	482	510	521	522	503	591	516	5094
Scattered Write-Ins:	2	2	2	1	3	3	5	3	2	3	26
Blanks	50	55	66	57	61	78	64	70	52	63	616
TOTAL	471	594	561	540	574	602	591	576	645	582	5736
<u>SECRETARY OF STATE (Vote for One)</u>											
William Francis Galvin	285	404	322	305	346	349	360	366	377	361	3475
Josh Zakim	166	158	206	215	206	216	191	176	233	189	1956
Scattered Write-Ins:	1	0	0	0	1	0	1	0	0	0	3
Blanks	19	32	33	20	21	37	39	34	35	32	302
TOTAL	471	594	561	540	574	602	591	576	645	582	5736
<u>TREASURER (Vote for One)</u>											
Deborah B. Goldberg	362	475	442	435	452	457	447	449	519	455	4493
Scattered Write-Ins:	2	3	2	0	0	1	3	1	2	3	17
Blanks	107	116	117	105	122	144	141	126	124	124	1226
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>DEMOCRATIC PARTY</u>											
Total # of Votes Cast	471	594	561	540	574	602	591	576	645	582	5,736

AUDITOR (Vote for One)

Suzanne M. Bump	335	459	423	420	428	435	425	431	495	437	4288
Scattered Write-Ins:	2	0	1	0	0	0	3	1	2	3	12
Blanks	134	135	137	120	146	167	163	144	148	142	1436
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)

Joseph P. Kennedy, III	432	545	515	498	523	540	542	502	588	519	5204
Gary J. Rucinski	24	29	29	28	31	42	26	44	38	37	328
Scattered Write-Ins:	0	1	0	0	0	0	2	1	1	0	5
Blanks	15	19	17	14	20	20	21	29	18	26	199
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

COUNCILLOR (Second District) (Vote for One)

Robert L. Jubinville	309	399	372	359	378	395	388	385	446	378	3809
Scattered Write-Ins:	1	4	3	0	3	2	2	2	3	6	26
Blanks	161	191	186	181	193	205	201	189	196	198	1901
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

SENATOR IN GENERAL COURT (Norfolk, Bristol & Middlesex District) Precincts A,B,C,I,J) (Vote for One)

Kristopher K. Aleksov	6	14	14	-	-	-	-	-	8	19	61
Jacqueline S. Katz	36	58	41	-	-	-	-	-	48	49	232
Rebecca L. Rausch	383	450	445	-	-	-	-	-	525	439	2242
Scattered Write-Ins:	0	0	0	-	-	-	-	-	4	2	6
Blanks	46	72	61	-	-	-	-	-	60	73	312
TOTAL	471	594	561	0	0	0	0	0	645	582	2853

SENATOR IN GENERAL COURT (Norfolk & Suffolk District) (Precincts D,E,F,G,H) (Vote for One)

Michael F. Rush	-	-	-	370	388	412	413	403	-	-	1986
Scattered Write-Ins:	-	-	-	2	4	1	4	4	-	-	15
Blanks	-	-	-	168	182	189	174	169	-	-	882
TOTAL	0	0	0	540	574	602	591	576	0	0	2883

REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)

Denise C. Garlick	342	476	418	388	452	444	482	423	504	435	4364
Theodore L. Steinberg	114	102	127	144	112	153	98	137	130	132	1249
Scattered Write-Ins:	1	0	0	0	0	0	1	1	1	0	4
Blanks	14	16	16	8	10	5	10	15	10	15	119
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>DEMOCRATIC PARTY</u>											
Total # of Votes Cast	471	594	561	540	574	602	591	576	645	582	5,736

DISTRICT ATTORNEY (Norfolk District) (Vote for One)

Michael W. Morrissey	339	447	410	394	409	425	423	415	499	418	4179
Scattered Write-Ins:	2	1	0	0	0	0	3	2	4	3	15
Blanks	130	146	151	146	165	177	165	159	142	161	1542
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

CLERK OF COURTS (Norfolk County) (Vote for One)

Walter F. Timilty, Jr.	336	435	409	395	401	421	412	411	476	414	4110
Scattered Write-Ins:	1	1	0	1	0	0	3	2	2	3	13
Blanks	134	158	152	144	173	181	176	163	167	165	1613
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

REGISTER OF DEEDS (Norfolk District) (Vote for One)

William P. O'Donnell	336	438	406	389	404	415	406	412	473	415	4094
Scattered Write-Ins:	0	0	0	0	0	0	3	2	3	2	10
Blanks	135	156	155	151	170	187	182	162	169	165	1632
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

COUNTY COMMISSIONER (Norfolk County) (Vote for Not More Than Two)

Peter H. Collins	321	420	397	371	383	405	400	402	459	399	3957
Scattered Write-Ins:	0	1	1	0	0	0	2	2	2	4	12
Blanks	150	173	163	169	191	197	189	172	184	179	1767
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

COUNTY TREASURER (to Fill Vacancy) (Norfolk County) (Vote for One)

James E. Timilty	329	431	404	385	397	412	408	406	469	405	4046
Scattered Write-Ins:	0	1	0	0	0	0	3	3	2	2	11
Blanks	142	162	157	155	177	190	180	167	174	175	1679
TOTAL	471	594	561	540	574	602	591	576	645	582	5736

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>LIBERTARIAN</u>											
Total # of Votes Cast	2	3	0	0	1	1	0	0	0	3	10

SENATOR IN CONGRESS (Vote for One)

No Nomination											
Scattered Write-Ins:	2	1	0	0	0	0	0	0	0	0	3
Blanks	0	2	0	0	1	1	0	0	0	3	7
TOTAL	2	3	0	0	1	1	0	0	0	3	10

GOVERNOR (Vote for One)

No Nomination											
Scattered Write-Ins:	2	1	0	0	0	0	0	0	0	0	3
Blanks	0	2	0	0	1	1	0	0	0	3	7
TOTAL	2	3	0	0	1	1	0	0	0	3	10

LIEUTENANT GOVERNOR (Vote for One)

No Nomination											
Scattered Write-Ins:	1	0	0	0	0	0	0	0	0	0	1
Blanks	1	3	0	0	1	1	0	0	0	3	9
TOTAL	2	3	0	0	1	1	0	0	0	3	10

ATTORNEY GENERAL (Vote for One)

No Nomination											
Scattered Write-Ins:	1	0	0	0	0	0	0	0	0	0	1
Blanks	1	3	0	0	1	1	0	0	0	3	9
TOTAL	2	3	0	0	1	1	0	0	0	3	10

SECRETARY OF STATE (Vote for One)

No Nomination											
Scattered Write-Ins:	1	0	0	0	0	0	0	0	0	0	1
Blanks	1	3	0	0	1	1	0	0	0	3	9
TOTAL	2	3	0	0	1	1	0	0	0	3	10

TREASURER (Vote for One)

No Nomination											
Scattered Write-Ins:	1	0	0	0	0	0	0	0	0	0	1
Blanks	1	3	0	0	1	1	0	0	0	3	9
TOTAL	2	3	0	0	1	1	0	0	0	3	10

AUDITOR (Vote for One)

Daniel Fishman	0	1	0	0	1	1	0	0	0	3	6
Scattered Write-Ins:	1	0	0	0	0	0	0	0	0	0	1
Blanks	1	2	0	0	0	0	0	0	0	0	3
TOTAL	2	3	0	0	1	1	0	0	0	3	10

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
--	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	--------------

LIBERTARIAN

Total # of Votes Cast	2	3	0	0	1	1	0	0	0	3	10
------------------------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------

REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)

No Nomination

Scattered Write-Ins:	2	0	0	0	0	1	0	0	0	0	3
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	0	3	0	0	1	0	0	0	0	3	7
--------	---	---	---	---	---	---	---	---	---	---	---

TOTAL	2	3	0	0	1	1	0	0	0	3	10
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------

COUNCILLOR (Second District) (Vote for One)

No Nomination

Scattered Write-Ins:	0	0	0	0	0	0	0	0	0	0	0
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	2	3	0	0	1	1	0	0	0	3	10
--------	---	---	---	---	---	---	---	---	---	---	----

TOTAL	2	3	0	0	1	1	0	0	0	3	10
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------

SENATOR IN GENERAL COURT (Norfolk, Bristol & Middlesex District) (Precincts A,B,C,I,J) (Vote for One)

No Nomination

Scattered Write-Ins:	1	0	0	-	-	-	-	-	0	0	1
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	1	3	0	-	-	-	-	-	0	3	7
--------	---	---	---	---	---	---	---	---	---	---	---

TOTAL	2	3	0	-	-	-	-	-	0	3	8
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

SENATOR IN GENERAL COURT (Norfolk & Suffolk District) (Precincts D,E,F,G,H) (Vote for One)

No Nomination

Scattered Write-Ins:	-	-	-	0	0	0	0	0	-	-	0
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	-	-	-	0	1	1	0	0	-	-	2
--------	---	---	---	---	---	---	---	---	---	---	---

TOTAL	-	-	-	0	1	1	0	0	-	-	2
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)

No Nomination

Scattered Write-Ins:	1	0	0	0	0	0	0	0	0	1	2
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	1	3	0	0	1	1	0	0	0	2	8
--------	---	---	---	---	---	---	---	---	---	---	---

TOTAL	2	3	0	0	1	1	0	0	0	3	10
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------

DISTRICT ATTORNEY (Norfolk District) (Vote for One)

No Nomination

Scattered Write-Ins:	0	0	0	0	0	0	0	0	0	0	0
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	2	3	0	0	1	1	0	0	0	3	10
--------	---	---	---	---	---	---	---	---	---	---	----

TOTAL	2	3	0	0	1	1	0	0	0	3	10
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------

CLERK OF COURTS (Norfolk County) (Vote for One)

No Nomination

Scattered Write-Ins:	0	0	0	0	0	0	0	0	0	0	0
----------------------	---	---	---	---	---	---	---	---	---	---	---

Blanks	2	3	0	0	1	1	0	0	0	3	10
--------	---	---	---	---	---	---	---	---	---	---	----

TOTAL	2	3	0	0	1	1	0	0	0	3	10
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>LIBERTARIAN</u>											
Total # of Votes Cast	2	3	0	0	1	1	0	0	0	3	10

REGISTER OF DEEDS (Norfolk District) (Vote for One)

No Nomination											
Scattered Write-Ins:	1	1	0	0	0	0	0	0	0	0	2
Blanks	1	2	0	0	1	1	0	0	0	3	8
TOTAL	2	3	0	0	1	1	0	0	0	3	10

COUNTY COMMISSIONER (Norfolk County) (Vote for One)

No Nomination											
Scattered Write-Ins:	0	0	0	0	0	0	0	0	0	1	1
Blanks	2	3	0	0	1	1	0	0	0	2	9
TOTAL	2	3	0	0	1	1	0	0	0	3	10

COUNTY TREASURER (Norfolk County) (To Fill A Vacancy) (Vote for One)

No Nomination											
Scattered Write-Ins:	0	0	0	0	0	0	0	0	0	0	0
Blanks	2	3	0	0	1	1	0	0	0	3	10
TOTAL	2	3	0	0	1	1	0	0	0	3	10

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>REPUBLICAN PARTY</u>											
Total # of Votes Cast	131	162	143	137	119	125	140	169	117	117	1360

SENATOR IN CONGRESS (Vote for One)

Geoff Diehl	61	66	61	66	46	53	67	82	56	49	607
John Kingston	28	40	28	30	28	29	31	34	15	31	294
Beth Joyce Lindstrom	32	40	44	31	35	34	34	36	32	27	345
Scattered Write-Ins:	0	1	0	0	1	1	0	1	1	0	5
Blanks	10	15	10	10	9	8	8	16	13	10	109
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

GOVERNOR (Vote for One)

Charles D. Baker	88	114	103	107	96	79	112	122	96	96	1013
Scott D. Lively	39	44	40	28	20	45	27	40	18	20	321
Scattered Write-Ins:	0	1	0	1	0	0	0	2	0	0	4
Blanks	4	3	0	1	3	1	1	5	3	1	22
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>REPUBLICAN PARTY</u>											
Total # of Votes Cast	131	162	143	137	119	125	140	169	117	117	1360

LIEUTENANT GOVERNOR (Vote for One)

Karyn E. Polito	94	123	109	118	98	79	109	116	97	90	1033
Scattered Write-Ins:	4	1	0	2	0	2	1	2	0	1	13
Blanks	33	38	34	17	21	44	30	51	20	26	314
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

ATTORNEY GENERAL (Vote for One)

James R. McMahon, III	64	63	62	59	36	48	51	66	43	43	535
Daniel L. Shores	33	52	43	41	52	44	54	55	40	45	459
Scattered Write-Ins:	0	0	0	0	1	0	0	2	0	0	3
Blanks	34	47	38	37	30	33	35	46	34	29	363
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

SECRETARY OF STATE (Vote for One)

Anthony M. Amore	86	97	93	92	80	71	90	100	72	81	862
Scattered Write-Ins:	0	1	1	0	3	2	1	4	0	0	12
Blanks	45	64	49	45	36	52	49	65	45	36	486
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

TEASURER (Vote for One)

Keiko M. Orrall	85	95	87	87	77	73	81	103	74	82	844
Scattered Write-Ins:	0	1	0	0	0	0	0	1	0	0	2
Blanks	46	66	56	50	42	52	59	65	43	35	514
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

AUDITOR (Vote for One)

Helen Brady	84	93	89	89	77	71	79	97	75	77	831
Scattered Write-Ins:	0	0	0	0	0	0	0	1	0	0	1
Blanks	47	69	54	48	42	54	61	71	42	40	528
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

REPRESENTATIVE IN CONGRESS (Fourth District) (Vote for One)

No Nomination											
Scattered Write-Ins:	10	18	7	16	8	12	16	15	5	8	115
Blanks	121	144	136	121	111	113	124	154	112	109	1245
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

COUNCILLOR (Second District) (Vote for One)

No Nomination											
Scattered Write-Ins:	8	15	2	13	7	9	9	11	4	6	84
Blanks	123	147	141	124	112	116	131	158	113	111	1276
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>REPUBLICAN PARTY</u>											
Total # of Votes Cast	131	162	143	137	119	125	140	169	117	117	1360

SENATOR IN GENERAL COURT (Norfolk, Bristol & Middlesex District) (Precincts A,B,C,I,J) (Vote for One)

Richard J. Ross	9	104	104	-	-	-	-	-	85	89	473
Scattered Write-Ins:	1	1	0	-	-	-	-	-	1	0	3
Blanks	39	57	39	-	-	-	-	-	31	28	194
TOTAL	131	162	143	0	0	0	0	0	117	117	670

SENATOR IN GENERAL COURT (Norfolk & Suffolk District) (Precincts D,E,F,G,H) (Vote for One)

No Nomination	-	-	-	-	-	-	-	-	-	-	-
Scattered Write-Ins:	-	-	-	12	6	8	10	11	-	-	47
Blanks	-	-	-	125	113	117	130	158	-	-	643
TOTAL	-	-	-	137	119	125	140	169	-	-	690

REPRESENTATIVE IN GENERAL COURT (Thirteenth Norfolk District) (Vote for One)

No Nomination	-	-	-	-	-	-	-	-	-	-	-
Scattered Write-Ins:	8	18	2	12	7	6	7	10	7	6	83
Blanks	123	144	141	125	112	119	133	159	110	111	1277
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

DISTRICT ATTORNEY (Norfolk District) (Vote for One)

No Nomination	-	-	-	-	-	-	-	-	-	-	-
Scattered Write-Ins:	8	14	2	11	5	6	7	10	6	6	75
Blanks	123	148	141	126	114	119	133	159	111	111	1285
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

CLERK OF COURTS (Norfolk County) (Vote for One)

No Nomination	-	-	-	-	-	-	-	-	-	-	-
Scattered Write-Ins:	7	12	3	11	5	6	7	8	4	6	69
Blanks	124	150	140	126	114	119	133	161	113	111	1291
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

REGISTER OF DEEDS (Norfolk District) (Vote for One)

No Nomination	-	-	-	-	-	-	-	-	-	-	-
Scattered Write-Ins:	8	12	2	11	5	5	7	8	4	6	68
Blanks	123	150	141	126	114	120	133	161	113	111	1292
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

COUNTY COMMISSIONER (Norfolk County) (Vote for One)

No Nomination	-	-	-	-	-	-	-	-	-	-	-
Scattered Write-Ins:	7	13	2	10	5	5	6	8	4	8	68
Blanks	124	149	141	127	114	120	134	161	113	109	1292
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
<u>REPUBLICAN PARTY</u>											
Total # of Votes Cast	131	162	143	137	119	125	140	169	117	117	1360

COUNTY TREASURER (To Fill Vacancy) (Norfolk County) (Vote for One)

No Nomination											
Scattered Write-Ins:	8	12	2	11	5	6	6	8	4	5	67
Blanks	123	150	141	126	114	119	134	161	113	112	1293
TOTAL	131	162	143	137	119	125	140	169	117	117	1360

The ballots casts in the several precincts were returned to the Town Clerk in the sealed cases. The voting lists used at the entrances to the polling places and at the ballot boxes and copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 10:52 P.M., September 4, 2018.

Theodora K. Eaton, MMC
Town Clerk

A true Copy
ATTEST

**RECORD OF SPECIAL TOWN MEETING
Wednesday, October 10, 2018**

Pursuant to a Warrant issued by the Selectmen September 11, 2018 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Great Hall at the Needham Town Hall, Wednesday, October 10, 2018, at 7:30 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and ____ voters, including 185 Town Meeting Members, were checked on the list as being present and 65 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. Town Meeting Members were requested to rise and join the Moderator in honoring our country by saluting the flag and reciting the Pledge of Allegiance.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator stated that Town Meeting Members may only sit in the first eleven rows as indicated by the Marshall, Steven Jacques, and as signified by the pylons. He further noted that there are two microphones which must be used for comments from the floor. Tonight, these microphones are being provided to you by Noah Ramos and Lily Pendergast.

The Moderator announced the following ground rules and these were adopted unanimously:

1. Please rise to be recognized and address the Moderator as Chair. When a member is recognized by the Chair, please state your name and precinct clearly so that the Town Clerk may keep accurate records. If for some reason related to a disability a member cannot rise, shout "Mr. Moderator" or raise your hand high to inform the Chair so that appropriate accommodation may be made.
2. Anyone entering or exiting the Hall while we are in session must use care not to disrupt the session, in particular, must not allow the doors to slam.
3. No eating, drinking or smoking is permitted in the hall.
4. No firearms or weapons are permitted in the hall, except by law enforcement personnel.
5. No hats may be worn in the hall other than by uniformed personnel or for religious or medical reasons.
6. Members and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bonds of civility. Please remember that we are ONE community and ONE Town Meeting Family with one common goal: the best interests of our town.

7. All commentary, remarks and inquiries must be addressed to the Moderator as Chair.

8. Your attention is drawn to the disclosure required by an attorney employed by one who has an interest in a matter as set forth in Art. I, Sec. 1.8 of the Needham General By-Laws.

9. Blank forms for lengthy motions are available from Town Counsel, Mr. Tobin, and should be employed. If lengthy or complicated motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

*Special Note on zoning articles, Article 9. Zoning is complex and the subject of much effort prior to Town Meeting. As discussed in the Moderator's Memorandum to Town Meeting Members in connection with our Annual Town Meeting, if you contemplate making an amendment to one of these zoning articles, I request that you confer with the Planning Board **in advance** and address questions or if necessary, work out with them in advance the wording and content of any amendments.*

10. Short motions to amend and procedural motions need not be in writing.

11. Parliamentary motions known as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been placed on the floor.

12. Limits on debate shall be enforced by the Moderator.

13. Questions asked for general informational purposes unrelated to the matter under consideration by the meeting shall be ruled out of order.

14. As stated in the Moderator's memorandum to Town Meeting Members in connection with our Annual Town Meeting, inappropriate conduct involving the T.V. coverage or cameras shall be dealt with swiftly by the chair and will be deemed to be out of order and addressed swiftly and definitively by the chair.

15. The Moderator seeks unanimous consent to adopt the following rules of practice concerning debate:

Committee Chairpersons, Proponents of Articles including Citizen Petitioners, Attorneys representing proponents: **(15 Minutes inclusive per article)**

Town Meeting Members, non-Town Meeting Members, visitors other than attorneys: **(5 Minutes all-inclusive per article)**

Rules Concerning Budget Articles

In keeping with our tradition, I also seek your unanimous consent for a rule of procedure and debate for discussion under Article 4, Amendments to the Fiscal Year 2019 Operating Budget, as well as Articles 5, 6, and 7 amendments to the Enterprise Fund Budget articles. That rule would provide that a motion to amend under this article which adds funds to a particular line item will not be in order unless the movant identifies another line item or items that will be reduced in order to fund the proposed increase.

Hearing no objection, the Moderator finds unanimous consent that the rules of procedure and practice concerning debate as described

by the Moderator are voted and adopted and the Town Clerk will so record.

Announcements

The Moderator announced that the Town Clerk has provided an Early Voting Schedule prior to the State Election on November 6, 2018 on the back table.

There is a Property Tax Assistance to the elderly and disabled flyer and donation envelope provided by the Town Treasurer on the back table.

The Moderator advised that there were no changes in affirmative motions or and no motions to withdraw.

The Moderator announced that Articles 15 is subject to a motion to amend or other motions from their proponents or for other reasons cannot be passed by unanimous consent.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 1. No Town Meeting Members responded with “question” or “debate” to Articles 2, 3, 4, 5, 6, 7, 13, and 16. The Moderator then called the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was so unanimously voted and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEE ASSOCIATION/DPW

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employee Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; or take any other action relative thereto.

Article Information: At the time of the printing of the warrant, the parties had not finalized this contract. The proposed agreement between the Town and the Union is for FY2019 – FY2021. Town Meeting approval is required for the first year of any collective bargaining agreement.

MOVED: That the Town vote to approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employee Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019.

ACTION: So voted by Unanimous Consent.

ARTICLE 3: FUND COLLECTIVE BARGAINING AGREEMENT – INDEPENDENT TOWN WORKERS' ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers' Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; or take any other action relative thereto.

Article Information: At the time of the printing of the warrant, the parties had not finalized this contract. The proposed agreement between the Town and the Union is for FY2019 – FY2021. Town Meeting approval is required for the first year of any collective bargaining agreement.

MOVED: That the Town vote to approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers' Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019.

ACTION: So voted by Unanimous Consent.

ARTICLE 4: AMEND THE FY2019 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
29B	Park & Recreation Expenses	\$84,600	\$100,715

and to meet this appropriation that \$16,115 be raised from the tax levy; or take any other action relative thereto.

Article Information: The proposed appropriation will support an increase in the cost of contract cleaning for public bathrooms at parks and playing fields as a result of a new contract that began in FY2019.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
29B	Park & Recreation Expenses	\$84,600	\$100,715

and to meet this appropriation that \$16,115 be raised from the tax levy

ACTION: So voted by unanimous consent.

ARTICLE 5: AMEND THE FY2019 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 RTS Enterprise Fund adopted under Article 17 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
101A	Salary & Wages	\$801,914	\$814,461

and to meet this appropriation that \$12,547 be raised from RTS Enterprise Fund receipts; or take any other action relative thereto.

Article Information: The proposed appropriation of \$12,547 reflects the expected cost of the tentative agreement between the Town and NIPEA for bargaining unit employees at the RTS.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2019 RTS Enterprise Fund adopted under Article 17 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
101A	Salary & Wages	\$801,914	\$814,461

and to meet this appropriation that \$12,547 be raised from RTS Enterprise Fund receipts.

ACTION: So voted by unanimous consent.

ARTICLE 6: AMEND THE FY2019 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Sewer Enterprise Fund adopted under Article 18 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
<u>201A</u>	Salary & Wages	\$961,327	\$978,169
201D	MWRA Assessment	\$6,227,150	6,173,219

and that Sewer Enterprise Fund receipts be reduced by \$37,089; or take any other action relative thereto.

Article Information: The proposed appropriation for salary and wages in the amount of \$16,842 reflects the expected cost of the tentative agreement between the Town and NIPEA for bargaining unit employees in the Sewer Enterprise Fund. The final MWRA Assessment is \$53,931 lower than the estimate used to set the FY2019 budget, resulting in a net decrease in the Enterprise Fund budget of \$37,089.

MOVED : That the Town vote to amend and supersede certain parts of the fiscal year 2019 Sewer Enterprise Fund adopted under Article 18 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
201A	Salary & Wages	\$961,327	\$978,169
201D	MWRA Assessment	\$6,227,150	6,173,219

and that Sewer Enterprise Fund receipts be reduced by \$37,089.

ACTION : So voted by unanimous consent.

ARTICLE 7: AMEND THE FY2019 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Water Enterprise Fund adopted under Article 19 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
301A	Salary & Wages	\$1,252,990	\$1,272,879
301D	MWRA Assessment	\$862,262	\$856,049

and to meet this appropriation that \$13,676 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

Article Information: The proposed appropriation for salary and wages in the amount of \$19,889 reflects the expected cost of the tentative agreements between the Town and ITWA and NIPEA for bargaining unit employees in the Water Enterprise Fund. The final MWRA Assessment is \$6,213 lower than the estimate used to set the FY2019 budget, resulting in a net increase in the Enterprise Fund budget of \$13,676.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2019 Water Enterprise Fund adopted under Article 19 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
301A	Salary & Wages	\$1,252,990	\$1,272,879
301D	MWRA Assessment	\$862,262	\$856,049

and to meet this appropriation that \$13,676 be raised from Water Enterprise Fund receipts

ACTION: So voted by unanimous consent.

ARTICLE 13: RESCIND DEBT AUTHORIZATION

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	Article	Authorized	Rescind
Sewer System Rehabilitation Work	2007 ATM	45	\$1,806,800	\$20
St Mary's Pumping Station Construction	2013 ATM	47	\$5,565,100	\$135,000
Central Avenue/Elliott Street Bridge Design	2014 ATM	39	\$900,000	\$425,000
Central Avenue/Elliott Street Bridge Construction	2015 ATM	43	\$2,000,000	\$120,000
RTS Fleet Replacement (Front-End Loader)	2016 ATM	46	\$269,000	\$1,000
Property Acquisition 609 Central Avenue	2016 May STM	7	\$762,500	\$32,500
Total				\$713,520

or take any other action relative thereto.

Article Information: *When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded, and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost-saving measures, and/or favorable bids.*

MOVED: That the Town vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	Article	Authorized	Rescind
Sewer System Rehabilitation Work	2007 ATM	45	\$1,806,800	\$20
St Mary's Pumping Station Construction	2013 ATM	47	\$5,565,100	\$135,000
Central Avenue/Elliot Street Bridge Design	2014 ATM	39	\$900,000	\$425,000
Central Avenue/Elliot Street Bridge Construction	2015 ATM	43	\$2,000,000	\$120,000
RTS Fleet Replacement (Front-End Loader)	2016 ATM	46	\$269,000	\$1,000
Property Acquisition 609 Central Avenue	2016 May STM	7	\$762,500	\$32,500
Total				\$713,520

ACTION: So voted by unanimous consent.

ARTICLE 16: AMEND GENERAL BY-LAW / NON-CRIMINAL DISPOSITION

To see if the Town will vote to amend the General By-Laws by inserting a new Section 8.2.2.9 Stormwater Regulation (Article 7) as follows:

“8.2.2.9 Stormwater Regulation (Article 7)

Enforcement Agent: Director of Public Works, Town Engineer

Fine Schedule

First Offense – Written Warning

Second Offense – failure to cure offense within 15 days' of notice of first offense - \$50 - each day being a separate offense.

Subsequent Offenses – failure to cure offense within 15 days' notice of second offense - \$100 - each day being a separate offense.”

Or take any other action relative thereto.

Article Information: *This article will amend the non-criminal disposition schedule to include stormwater regulations in the event*

that Town Meeting approves the General By-Law revisions contained in Article 15 of this warrant.

MOVED: That the Town vote to amend the General By-Laws by inserting a new Section 8.2.2.9 Stormwater Regulation (Article 7) as follows:

“8.2.2.9 Stormwater Regulation (Article 7)

Enforcement Agent: Director of Public Works, Town Engineer

Fine Schedule

First Offense – Written Warning

Second Offense – failure to cure offense within 15 days' of notice of first offense - \$50 - each day being a separate offense.

Subsequent Offenses – failure to cure offense within 15 days' notice of second offense - \$100 - each day being a separate offense.”

ACTION: So voted by unanimous consent.

At this time the Moderator proceeded with the remaining articles in the warrant.

ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING CUSTODIAN/TRADES INDEPENDENT ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian/Trades Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019 and fiscal year 2020; or take any other action relative thereto.

Article Information: *At the time of the printing of the warrant, the parties had not finalized this contract. The proposed agreement between the Town and BCTIA is for two contracts – FY2019 and*

FY2020 – FY2022. Town Meeting approval is required for the first year of any collective bargaining agreement, so both contracts are referenced in this article.

MOVED: That the Town vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian/Trades Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019 and fiscal year 2020.

Mr. Daniel P. Matthews, Chairman, addressed this proposal on behalf of the Board of Selectmen. He explained that this agreement between the Town and the Building Custodian/Trades Independent Association is for two contracts. The first is a one-year contract for Fiscal Year 2019 and the second is a three-year contract for Fiscal Years 2020 – 2022. The Board of Selectmen unanimously requests approval of these agreements.

Mr. Richard J. Lunetta, Member, addressed this proposal on behalf of the Finance Committee. He recognized the hard work of both negotiating teams. He noted that the Finance Committee unanimously recommends adoption of Article 1.

In response to an inquiry from Ms. Marjorie M. Margolis, Mr. Matthews advised that the High School and Pollard Middle School have private nighttime cleaning services.

Upon request of the unanimous consent was given to allow Town Manager Kate Fitzpatrick, non-resident, to address Town Meeting. In response to an inquiry from Mr. Peter Panov, Ms. Fitzpatrick explained that town vehicles are monitored for performance and efficiency, but not for punitive purposes.

ACTION: The main motion was presented and carried by unanimous vote.

Articles 2, 3, 4, 5, 6, and 7 were passed by unanimous consent earlier this evening.

ARTICLE 8: APPROPRIATE FOR CONSULTING ASSISTANCE NEEDHAM 2025

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$75,000 for the purpose of funding consulting assistance for the Needham 2025 Project, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Article Information: The goal of the N2025 project is to gain a better understanding of the impact of commercial and residential growth on the Town's infrastructure, including but not limited to: traffic, transportation, water, sewer, drains, roads and bridges, technology, and school facilities; and to identify options for managing that impact. Over the years, the Town has conducted facility master plans, demographic analyses for future school needs planning, and build-out analyses for special projects and zoning initiatives. The N2025 project will provide a more complete Town-wide overview – identifying the reasonably anticipated range of commercial and residential growth by 2025, and the associated impact/pressure that may be placed on existing, planned, or prospective infrastructure by this growth and other regional trends. The review will have a baseline which includes the improvements made to Town infrastructure over the past ten years, and planned capital investment (such as the Mitchell School, the Pollard School, the School Administration Building, and the DPW Complex). Expert advice will be sought to identify gaps that may exist in our existing and planned infrastructure investment because of reasonably anticipated commercial and residential growth.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$75,000 for the purpose of funding consulting assistance for the Needham 2025 Project, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

Ms. Marianne B. Cooley, member, addressed this proposal on behalf of the Board of Selectmen. She noted that it is the goal of the N2025 project to gain a clearer understanding of the

anticipated range of commercial and residential growth by 2025. She noted that the Board of Selectmen unanimously recommend adoption of this proposal.

Mr. Richard M. Reilly, member, noted that the Finance Committee was originally concerned that the proposal originally lacked focus. However, at this time the Finance Committee unanimously approves adoption of Article 8.

ACTION: After a brief discussion the main motion was presented and carried by unanimous vote.

ARTICLE 9: AMEND ZONING BY-LAW – WIRELESS COMMUNICATIONS FACILITIES

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

(1) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (i), to read as follows:

“(i) Wireless Communication Equipment serving the Town of Needham’s public safety communication purposes, located on a preexisting and lawfully permitted free standing monopole or lattice tower, and ground based equipment accessory thereto.”

(2) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (j), to read as follows:

“(j) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham’s Police and Fire Department Headquarters, as shown on the “Lot Consolidation Plan of Land 70 & 88 Chestnut Street, 89 & 99 School Street, and 43 Lincoln Street Prepared for the Town of Needham, Massachusetts” dated July 23, 2018 and to be recorded with the Norfolk County Registry of Deeds, and do not exceed 130 feet in height.”

(3) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (k), to read as follows:

“(k) Free standing monopole or free-standing lattice tower, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment accessory thereto, where such monopole, lattice tower, and equipment are located on the site of the Town of Needham’s Recycling and Transfer Station, shown of record as the lot containing 71.667 +/- acres on the “Plan of Land in Needham, Mass. Showing Property of the Town of Needham

” dated February 11, 1991 and recorded with the Norfolk County Registry of Deeds in Plan Book 619 at Page 36 and Lot 2 on Land Court Subdivision Plan 21906-C, all of said land being within the Wireless Communications Facilities Tower Overlay District, and do not exceed 199 feet in height.”

- (4) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.2, Definitions, by revising the definition of the term “Wireless Communication Equipment” so that it shall read as follows (new language underlined):

“Wireless Communication Equipment – any device or other apparatus, fixed at a location, for transmission and reception of telecommunication that performs the function of antennas, together with any supporting structures, equipment and facilities ancillary and/or accessory thereto, including, but not limited to panel antennas, whip antennas, free-standing monopoles (not lattice shaped towers except as allowed in sections 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h) and 6.7.3.3 (k) below), dish and cone shaped antennas, satellite earth station antennas, personal wireless communication systems facilities, paging service facilities, cellular telephone service facilities, commercial mobile radio service facilities and related equipment boxes serving personal wireless services exclusively or, for purposes of this section 6.7, serving municipal public safety communication purposes.”

- (5) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.3, Special Permit, by revising paragraph (h) to read as follows (new language underlined):

“(h) Free standing monopoles and free-standing lattice towers serving personal wireless services located in the Wireless Communications Facilities Tower Overlay District which meet the criteria outlined in section 3.7.3.2(b).”

- (6) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.2, Prohibited, by revising the first paragraph so that it shall read as follows (new language underlined):

“Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires for support shall not be allowed except for those uses set forth in 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h), and 6.7.3.3 (k). Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires existing or approved on the effective date of this by-law may be used for wireless communications equipment, subject to section 6.7.3.3 (f).”

- (7) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.5, Decision Criteria, by inserting a new paragraph (q), to read as follows:

“(q) Free standing monopoles and free-standing lattice towers, owned and operated by the Town of Needham for public safety communication purposes that are located within the Wireless Communications Facilities

Tower Overlay District shall be subject to Section 3.7.3.2(b)(2) and 3.7.3.2(b)(4).”

- (8) In Section 3.7, Wireless Communications Facilities Towers Overlay District, Subsection 3.7.3.2, Special Permit Uses, by revising paragraph (b) to read as follows (new language underlined):

“(b) Free-standing monopoles and free-standing lattice towers serving personal wireless services which meet the following criteria.”

Or take any other action relative thereto.

Article Information: *The Town is currently designing a new public safety communications system to replace the existing system that has significant gaps in coverage, is unreliable, and is failing. This is the system that both Police and Fire use to communicate between the dispatch center and personnel in the field. As currently planned, this new system involves a new 120 foot radio antenna monopole at the Police and Fire Station on Chestnut, Lincoln and School Streets, and a new 199 foot tower located at the Recycling and Transfer Station. The Town is also working to secure an antenna location on an existing commercial wireless communication tower near Cabot Street, and a site for a new communication tower on Commonwealth-owned land located next to the Norfolk County Sheriff's Office at 200 West Street in Dedham.*

The Zoning By-Law does not currently allow municipal public safety communications facilities anywhere in Town. Accordingly, the purpose of this zoning amendment is to allow by special permit, the three kinds of public safety communications facilities that would be proposed within the Town.

Section 6.7.3.3 of the Zoning By-Law lists various kinds of wireless communication equipment that may be allowed by special permit. This zoning amendment would add three new kinds of wireless communication equipment to this section as follows:

(1) Wireless Communication Equipment serving the Town of Needham's public safety communication purposes, located on a preexisting and lawfully permitted free standing monopole or lattice tower, and ground based equipment accessory thereto. The purpose of this addition is to allow the Town's public safety communications antennae to co-locate on existing towers, and also for the Town to build the ground-based equipment cabinets that are necessary to support the placement of these antennae on existing towers.

(2) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham's Police and Fire Department Headquarters. The purpose of this addition is to allow (by special permit) one public safety monopole at the new Police and Fire Department Headquarters bounded by Chestnut, Lincoln and School Streets. The zoning amendment would allow this monopole to be up to 130 feet in height. The Town's current design calls for the Headquarters monopole to be 120 feet in height. The zoning amendment allows a 10 foot margin above the current design in case unanticipated modifications to the system are necessary.

(3) Free standing monopole or free-standing lattice tower, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment

accessory thereto, where such monopole, lattice tower, and equipment are located on the site of the Town of Needham's Recycling and Transfer Station. The purpose of this addition is to allow (by special permit) the Town to apply for a 199 foot tower at the Recycling and Transfer Station which is located within the Wireless Communications Facilities Tower Overlay District. This tower is planned to be 199 feet in height, which is the maximum height otherwise allowed for commercial towers within the district.

Finally the article proposes an amendment to the definition of "Wireless Communication Equipment" in Section 7.7.2. The purpose of this amendment is to make clear that "Wireless Communication Equipment" can include equipment that serves "municipal public safety communication purposes." In its current form, this definition only applies to personal wireless services, which does not include municipal equipment.

MOVED: That the Town to amend the Needham Zoning By-Law as follows:

- (1) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (i), to read as follows:

“(i) Wireless Communication Equipment serving the Town of Needham’s public safety communication purposes, located on a preexisting and lawfully permitted free standing monopole or lattice tower, and ground based equipment accessory thereto.”

- (2) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (j), to read as follows:

“(j) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham’s Police and Fire Department Headquarters, as shown on the “Lot Consolidation Plan of Land 70 & 88 Chestnut Street, 89 & 99 School Street, and 43 Lincoln Street Prepared for the Town of Needham, Massachusetts” dated July 23, 2018 and to be recorded with the Norfolk County Registry of Deeds, and do not exceed 130 feet in height.”

- (3) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (k), to read as follows:

“(k) Free standing monopole or free-standing lattice tower, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment accessory thereto, where such monopole, lattice tower, and equipment are located on the site of the Town of Needham’s Recycling and Transfer Station, shown of record as the lot containing 71.667 +/- acres on the “Plan of Land in Needham, Mass.

Showing Property of the Town of Needham” dated February 11, 1991 and recorded with the Norfolk County Registry of Deeds in Plan Book 619 at Page 36 and Lot 2 on Land Court Subdivision Plan 21906-C, all of said land being within the Wireless Communications Facilities Tower Overlay District, and do not exceed 199 feet in height.”

- (4) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.2, Definitions, by revising the definition of the term “Wireless Communication Equipment” so that it shall read as follows (new language underlined):

“Wireless Communication Equipment – any device or other apparatus, fixed at a location, for transmission and reception of telecommunication that performs the function of antennas, together with any supporting structures, equipment and facilities ancillary and/or accessory thereto, including, but not limited to panel antennas, whip antennas, free-standing monopoles (not lattice shaped towers except as allowed in sections 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h) and 6.7.3.3 (k) below), dish and cone shaped antennas, satellite earth station antennas, personal wireless communication systems facilities, paging service facilities, cellular telephone service facilities, commercial mobile radio service facilities and related equipment boxes serving personal wireless services exclusively or, for purposes of this section 6.7, serving municipal public safety communication purposes.”

- (5) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.3, Special Permit, by revising paragraph (h) to read as follows (new language underlined):

“(h) Free standing monopoles and free-standing lattice towers serving personal wireless services located in the Wireless Communications Facilities Tower Overlay District which meet the criteria outlined in section 3.7.3.2(b).”

- (6) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.2, Prohibited, by revising the first paragraph so that it shall read as follows (new language underlined):

“Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires for support shall not be allowed except for those uses set forth in 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h), and 6.7.3.3 (k). Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires existing or approved on the effective date of this by-law may be used for wireless communications equipment, subject to section 6.7.3.3 (f).”

- (7) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.5, Decision Criteria, by inserting a new paragraph (q), to read as follows:

“(q) Free standing monopoles and free-standing lattice towers, owned and operated by the Town of Needham for public safety

communication purposes that are located within the Wireless Communications Facilities Tower Overlay District shall be subject to Section 3.7.3.2(b)(2) and 3.7.3.2(b)(4).”

- (8) In Section 3.7, Wireless Communications Facilities Towers Overlay District, Subsection 3.7.3.2, Special Permit Uses, by revising paragraph (b) to read as follows (new language underlined):

“(b) Free-standing monopoles and free-standing lattice towers serving personal wireless services which meet the following criteria.”

Mr. Paul S. Alpert, Chairman, suggested that the Board of Selectmen address this proposal first.

Mr. Daniel P. Matthews, Chairman, addressed this proposal on behalf of the Board of Selectmen. He stated that this article provides the necessary zoning relief to implement the new wireless communications equipment necessary to support both the new Public Facilities Safety Buildings, Fire Station #2, and all areas of the Town of Needham. The Board of Selectmen unanimously requests your support of Article 9.

Mr. Paul S. Alpert, Chairman, addressed this proposal on behalf of the Planning Board. This zoning amendment will allow by special permit for a town wide wireless system for our police and Fire.

Ms. Carol A. Fachetti, member, addressed this proposal on behalf of the Finance Committee. She explained that these changes are designed to address the new Public Facilities Building and Fire Station #2. She noted that the costs are included in Article 10 and the Finance Committee believes this article supports the needs of the Public Safety Buildings and Fire Station #2

Mr. Lance R. Brown expressed concern with limiting the Town to renting space on specific towers. The Moderator asked Mr. Brown to consult with the Planning Board.

In response to a concern expressed by Mr. Steven Rosenstock, Mr. Matthews noted that the term “public Safety” includes all employees.

After a brief discussion, a motion to strike in the main motion paragraph (1) subsection (i) the words “free standing monopole or lattice” so that this section shall read:

- “(i) Wireless Communication Equipment serving the Town of Needham’s public safety communication purposes, located on a preexisting and lawfully permitted tower, and ground based equipment accessory thereto.”

Mr. Brown stated that this amendment will give the town some options. Mr. Alpert advised that the Planning Board has considered Mr. Brown’s motion and voted to accept this amendment.

After a brief discussion, the motion to amend by Lance R. Brown was presented and carried by majority vote declared by the Moderator.

ACTION: The main motion, which requires a two-thirds vote, was presented and carried by two-thirds on a voice vote declared by the Moderator.

VOTED: to amend the Needham Zoning By-Law as follows:

- (1) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (i), to read as follows:

“(i) Wireless Communication Equipment serving the Town of Needham’s public safety communication purposes, located on a preexisting and lawfully permitted free standing tower, and ground based equipment accessory thereto.”

- (2) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (j), to read as follows:

“(j) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham’s Police and Fire Department Headquarters, as shown on the “Lot Consolidation Plan of Land 70 & 88 Chestnut Street, 89 & 99 School Street, and 43 Lincoln Street Prepared for the Town of Needham, Massachusetts” dated July 23, 2018 and to be recorded with the Norfolk County Registry of Deeds, and do not exceed 130 feet in height.”

- (3) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (k), to read as follows:

“(k) Free standing monopole or free-standing lattice tower, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment accessory thereto, where such monopole, lattice tower, and equipment are located on the site of the Town of Needham’s Recycling and Transfer Station, shown of record as the lot containing 71.667 +/- acres on the “Plan of Land in Needham, Mass. Showing Property of the Town of Needham” dated February 11, 1991 and recorded with the Norfolk County Registry of Deeds in Plan Book 619 at Page 36 and Lot 2 on Land Court Subdivision Plan 21906-C, all of said land being within the Wireless Communications Facilities Tower Overlay District, and do not exceed 199 feet in height.”

- (4) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.2, Definitions, by revising the definition of the term “Wireless Communication Equipment” so that it shall read as follows (new language underlined):

“Wireless Communication Equipment – any device or other apparatus, fixed at a location, for transmission and reception of telecommunication that performs the function of antennas, together with any supporting

structures, equipment and facilities ancillary and/or accessory thereto, including, but not limited to panel antennas, whip antennas, free-standing monopoles (not lattice shaped towers except as allowed in sections 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h) and 6.7.3.3 (k) below), dish and cone shaped antennas, satellite earth station antennas, personal wireless communication systems facilities, paging service facilities, cellular telephone service facilities, commercial mobile radio service facilities and related equipment boxes serving personal wireless services exclusively or, for purposes of this section 6.7, serving municipal public safety communication purposes.”

- (5) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.3, Special Permit, by revising paragraph (h) to read as follows (new language underlined):

“(h) Free standing monopoles and free-standing lattice towers serving personal wireless services located in the Wireless Communications Facilities Tower Overlay District which meet the criteria outlined in section 3.7.3.2(b).”

- (6) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.2, Prohibited, by revising the first paragraph so that it shall read as follows (new language underlined):

“Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires for support shall not be allowed except for those uses set forth in 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h), and 6.7.3.3 (k). Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires existing or approved on the effective date of this by-law may be used for wireless communications equipment, subject to section 6.7.3.3 (f).”

- (7) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.5, Decision Criteria, by inserting a new paragraph (q), to read as follows:

“(q) Free standing monopoles and free-standing lattice towers, owned and operated by the Town of Needham for public safety communication purposes that are located within the Wireless Communications Facilities Tower Overlay District shall be subject to Section 3.7.3.2(b)(2) and 3.7.3.2(b)(4).”

- (8) In Section 3.7, Wireless Communications Facilities Towers Overlay District, Subsection 3.7.3.2, Special Permit Uses, by revising paragraph (b) to read as follows (new language underlined):

“(b) Free-standing monopoles and free-standing lattice towers serving personal wireless services which meet the following criteria.”

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$66,245,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, including the costs of temporary relocation and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

Article Information: This article will fund the construction phase of the public safety building project.

The Public Safety Building, located at the intersection of Chestnut Street and School Street, opened in 1931, and was renovated in 1988-1989. Fire Station #2, located at the intersection of Highland Avenue and Webster Street, opened in 1949 and was also renovated in 1988-1989. The amount of space that was originally allocated within both buildings for the Police and Fire Departments is no longer sufficient to accommodate changes in operations, changing personnel needs, technology upgrades, and security improvements, and neither station is fully accessible for individuals with limited mobility.

In 1950, 19 years after the station opened, the Police Department had 25 sworn officers and responded to 1,774 calls. By 2015, the number of sworn officers was 49 and call volume had increased to 31,610. The proposed program meets many deficiencies identified in the Police Department, including the lack of adequate locker facilities for female officers, evidence and property storage, interview rooms and interview recording technology, public meeting space, records storage, dispatch areas, patrol and administrative office space, and report writing space. The prisoner holding cells are outdated and inadequate, and the current prisoner booking area is unsafe due to its size and configuration. The building lacks the ability to handle technology improvements due to space constraints, while the roof continues to leak into the records/server room on the second floor. The current climate control only works sporadically throughout the building creating numerous temperature variations.

In 1950, the Fire Department had 27 firefighters. Call volume data is not available for 1950, but the Department responded to 600 calls in 1960. By 2015, the number of sworn firefighters was 64 and the Department responded to 3,915 calls. The proposed program meets many deficiencies identified in the Fire Department, including apparatus bays that are too small for modern fire trucks, insufficient area for performing equipment maintenance and repair, lack of facilities for storing and cleaning turnout gear, minimal existing office space, inadequate facilities for firefighter support such as bunkrooms, toilets and showers, and insufficient storage space for files and equipment.

The estimated average single family home (ASFH) annual tax bill would be increased by an average of \$436 per year to pay the

ARTICLE 10: APPROPRIATE FOR PUBLIC SAFETY BUILDINGS CONSTRUCTION

annual debt service for the proposed excluded debt. These calculations are based on the FY2018 ASFH assessment of \$904,828. This calculation is based on a single tax rate. On an annual basis, the Board of Selectmen determines whether the Town will have a single tax rate or a split tax rate. The effect of a split tax rate, which the Town has had since 1988, is a subsidy to the residential taxpayers by the business community. All indications are that the Town will continue this practice. On a historic basis, the split tax rate would reduce the tax impact to the average single family homeowner by 11% - resulting in an average annual cost of \$388.

The November 2, 2015 and February 10, 2016 Special Town Meetings and the 2017 Annual Town Meeting approved funding for feasibility studies and schematic design, and the October 2, 2017 Special Town Meeting appropriated \$3.75 million for the design phase of the project. The project has been included on the ballot for the November 6, 2018 State election for debt exclusion funding.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$66,245,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, including the costs of temporary relocation and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Mr. Daniel P. Matthews, Chairman, Board of Selectmen, advised that this proposal will address all areas of the town. The former Hillside School will be used for swing space. This proposal requires a Proposition 2 ½ override question which will appear as Question #4 on the November 6, 2018 State Election. The three-station plan is long needed and produced at the best possible cost. The Board of Selectmen unanimously supports this proposal.

Barry J. Coffman, member, provided a breakdown of costs and stated that this is long overdue.

At 9:25 PM the Moderator announced a brief recess and acknowledge the presence of our State Representative, Denise C. Garlick.

At 9:40 PM the Moderator called the meeting back into session.

In response to an inquiry from Cynthia L. Conturie, Mr. Matthews advised that there is limited space in the town which construct new buildings.

Mr. Michael J. Greis suggested that both the Police Chief and the Fire Chief address Town Meeting. Unanimous consent was given to allow Fire Chief Dennis Condon and Police Chief John Schlittler.

Fire Chief Condon advised Town Meeting that if this proposal is approved, it will be the greatest thing to the Fire Staff.

The current building is old and there are many exhausts, fumes and contaminants. Many firemen have gotten sick because of these issues. He requested unanimous supports for Article 10 and the Question #4 ballot question on the November 6, 2018 State Election.

Police Chief Schlittler echoed Chief Condon's statements noting that staffing area, is poor and the booking room is inadequate.

In response to an inquiry from Holly Anne Clarke, Mr. Daniel Matthews advised that energy concerns and green areas are to be addressed. He explained that the average tax bill is \$10,700 and that the average tax increase will be \$388 per year.

In response to an inquiry from Kim Marie Nicols, Mr. Matthews advised that steps are being taken to contain the contaminated Hillside School property.

Action: the main motion was presented and carried by unanimous vote.

ARTICLE 11: APPROPRIATE FOR EMERY GROVER FEASIBILITY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$130,000 for a feasibility study of the Emery Grover Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Article Information: Numerous Facilities Master Plans have indicated that the Emery Grover School Administration Building, which is on the National Register of Historic Buildings, is in need of additional office and storage space, as well as extensive repair and modernization to meet the needs of the School Department. The desired renovations would allow for a more efficient use of space, would permit handicapped accessibility and the full utilization of all four floors, and would make needed building repairs, including: replacing deteriorating HVAC, electrical, plumbing and window systems; and removing lead paint and asbestos.

This request is to evaluate the various alternatives for renovating/reconstructing the Emery Grover building. The alternatives that would be evaluated with regard to functionality, schedule, and cost are: 1) full renovation and addition; 2) complete demolition and new construction; 3) preservation of one or more facades with new construction behind; and 4) the sale and relocation of School District administration to leased/purchased space. The study will determine suitability for school needs, and provide recommendations, with regard to any programmatic or zoning needs and will address temporary relocation requirements and cost. It will also identify how each alternative is categorized with regard to CPA funding and define implications and approvals (local, state and national) necessary to move each of these options forward.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$130,000 for a feasibility study of the Emery Grover Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

Mr. Maurice P Handel, Selectmen, advised that the Board of Selectmen are in full support of this article. It makes sense and is long overdue.

Mr. Aaron M. Pressman, Chairman, addressed this proposal on behalf of the School Committee. He stated that the Emery Grover Building is a terrible state of disrepair. It is not handicapped accessible and there are no elevators. Mr. Pressman noted that the School Committee requests your support on this proposal.

Mr. Thomas M. Jacobs, member, addressed this proposal on behalf of the Finance Committee. He stated that are four areas to be addressed: 1. Full renovation plus an addition; 2. Demolition; 3. Preservation of one or more facades with new construction behind; and 4. Sale and relocation. The Finance Committee approved this proposal.

In response to an inquiry from David J. Ecsedy, Mr. Handel advised that reconstruction and/or demolition of an historic building is possible under federal regulations.

ACTION: The main motion was presented and carried by majority vote on a voice vote declared by the Moderator.

ARTICLE 12: APPROPRIATE FOR MITCHELL SCHOOL MODULAR CLASSROOMS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,350,000 for construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$42,000 be transferred from Article 47 of the 2003 Annual Town Meeting, that \$6,700 be transferred from Article 50 of the 2009 Annual Town Meeting, that \$59,700 be transferred from Article 37 of the 2014 Annual Town Meeting, that \$74,000 be transferred from Article 39 of the 2015 Annual Town Meeting, that \$26,900 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$9,700 be transferred from Article 10 of the October 27, 2014 Special Town Meeting, and that \$1,131,000 be raised from the tax levy; or take any other action relative thereto.

Article Information: To prepare for the anticipated implementation of Full-Day Kindergarten in September 2019, the Needham Public Schools commissioned a space study to determine how best to implement the new program, given the District's existing inventory of classroom spaces. Based on the results of that study, the School Committee recommends that two additional modular classrooms be erected at the Mitchell Elementary School. The modular classrooms would supplement the school's 22 existing classroom spaces to provide the 24 classroom spaces deemed necessary in the first year of Full-Day Kindergarten. Starting

September, 2019, the four Kindergarten classrooms will be housed in the existing modular classrooms, that were installed on the Mitchell School site in 2014. The use of the existing modulars for Kindergarten, however, will displace Music and Art from their classroom spaces, and will require that two new classrooms be added at the school.

This request is to provide funding to purchase and install two modular classrooms near the main entrance to the building. The new classrooms will provide space for Music and Art. The proposed location of these modular classrooms will provide easy access/visibility to the front door of the school and will represent the best option for before and after school programs. The new modular classrooms will be constructed of the same materials as the existing modular classrooms, to achieve a harmonious look and feel of the existing buildings on site. If funding is approved, the modular classrooms would be bid in the winter, built off site in the spring, and installed during the summer of 2019.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$1,350,000 for construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$42,000 be transferred from Article 47 of the 2003 Annual Town Meeting, that \$6,700 be transferred from Article 50 of the 2009 Annual Town Meeting, that \$59,700 be transferred from Article 37 of the 2014 Annual Town Meeting, that \$74,000 be transferred from Article 39 of the 2015 Annual Town Meeting, that \$26,900 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$9,700 be transferred from Article 10 of the October 27, 2014 Special Town Meeting, and that \$1,131,000 be raised from the tax levy.

Mr. John A. Bulian, Selectmen rose in support of this article on behalf of the Board of Selectmen.

Mr. Aaron M. Pressman, Chairman, advised that the School Committee unanimously supports the construction of two modular classrooms for the Mitchell School.

Mr. John P. Connolly, member, advised that the Finance Committee unanimously supports this proposal. Construction of the modular classrooms will start in the spring and allow for full day kindergarten in the fall.

In response to an inquiry from Mr. Robert J. Dermody, Mr. Pressman advised the when the modular classrooms are no longer needed, they could be moved to another school.

Mr. David K. Blakelock questioned the cost per square foot of the modular classrooms. That figure was not available but will be determined.

ACTION: The main motion was presented and carried by unanimous vote.

ARTICLE 13: was previously adopted this evening by unanimous consent.

ARTICLE 14: ACCEPT GRANT OF ACCESS EASEMENT/700 GREENDALE AVENUE

To see if the Town will vote to authorize the Selectmen to accept a grant of pedestrian access easement by MCREF NEEDHAM LLC to the Town of Needham as shown on a plan

entitled “700 Greendale Avenue Needham Massachusetts Pedestrian Easement Plan” on file with the Zoning Board of Appeals; or take any other action relative thereto.

Article Information: As a condition of approval of Comprehensive Permit for the Modera project on Greendale Avenue, the Zoning Board of Appeals required that the Developer grant the Town a pedestrian access easement along the rear of the property, connecting the existing trails on the Northeast and Northwest boundaries of the parcel. The access easement allows for passive recreation, normal maintenance, and public safety access. Town Meeting approval of such easements is required in order for them to be effective.

MOVED: That the Town vote to authorize the Selectmen to accept a grant of pedestrian access easement by MCREP NEEDHAM LLC to the Town of Needham as shown on a plan entitled “700 Greendale Avenue Needham Massachusetts Pedestrian Easement Plan” on file with the Zoning Board of Appeals.

Mr. Maurice P. Handel, Selectman, advised that the Board of Selectmen seeking Town Meeting authorization to accept a grant of easement at 700 Greendale Avenue. This easement is a requirement of the developer by the Board of Appeals.

Ms. Carol A. Fachetti, member, advised that the Finance Committee unanimously supports this proposal.

In response to an inquiry from Jeanne S. McKnight, Mr. Handle advised that a proper plan which includes the metes and bounds will be recorded for filing.

ACTION: The main motion was presented and carried by unanimous vote.

ARTICLE 15: AMEND GENERAL BY-LAW – STORMWATER BY-LAW

To see if the Town will vote to amend the General By-Laws by inserting a new Article 7 as follows:

“ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham’s wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham’s Municipal Separate Storm Sewer System (MS4).
- (c) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections.
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards, regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996.

- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement.
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff.
- (g) To promote infiltration and the recharge of groundwater.
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff.
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs) Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Commercial The term commercial shall include municipal, industrial, and multi-family projects.

Construction Site Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Zoning Board of Appeals (ZBA), or Conservation Commission.

Erosion Control The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff. Erosion control is typically achieved through the installation of straw bales, silt fence, silt socks, or by surface coverings such as jute mesh, erosion control blankets, or by the establishment of surface vegetation.

Dry Well A subsurface structure that infiltrates stormwater runoff.

Green Citizen Certificate A certificate issued by the Board of Selectmen conferring recognition to environmentally conscious citizens who install infiltration/recharge systems, rain gardens, or similar stormwater quality improvements that are not required by the Stormwater By-Law or these promulgated regulations.

Illicit Connection A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, rooftops and swimming pools.

Large Residential Project A residential project (new construction or reconstruction) of a residential building with larger than 4,000 square feet (s.f.) of ground coverage.

Low Impact Development (LID) Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

Massachusetts Stormwater Handbook (MSH) A document published in 1997 and revised and updated in 2008 by MassDEP as guidance on the 1996 Stormwater Policy.

MS4 (Municipal Separate Storm Sewer System) The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit

A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot, or construction of a subdivision roadway requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan The plan that accompanies an application for a Building Permit.

Point Source Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Permitting Authority The municipal board, committee or department with authority for issuing permits for construction. These include the Planning Board, Conservation Commission, Department of Public Works, Building Department, and Zoning Board of Appeals.

Recharge The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) Development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

Runoff The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater Water originating from rainfall and snow/ice melt.

Stormwater Management The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Vegetation Trees, shrubs, bushes and ground cover, including grass.

Watershed Management Plan The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L. ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

- 7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this By-law, after conducting a public hearing to receive Public comment.
- 7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.
- 7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.
- 7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 Permits and Approvals

All persons required to obtain a Building Permit for new construction and/or additions greater than 25% of the existing building footprint shall be subject to the requirements of this By-Law.

All persons also required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction and/or additions greater than 25% of the existing building footprint) are subject to the requirements of this By-Law.

7.4.2 Stormwater Management and Erosion Control

Except as listed below, all applications for new construction or redevelopment subject to the provisions of this By-law, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions.

The relevant permitting authority (Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission) shall review and approve the Stormwater Management and Erosion Control Plan prior to the issuance of a permit.

The Director of Public Works/designee shall participate in the review process and make recommendations to the permitting authority as needed. Applications involving facade treatments, interior renovations, and/or changes in use are exempt from the requirement for a Stormwater Management and Erosion Control Plan.

The following applications do not require a Stormwater Management and Erosion Control Plan when proposed in an area not subject to jurisdiction of the Conservation Commission:

- Applications for addition to a commercial structure, parking lot, or roadway that is less than 1,500 square feet.

7.4.3 Modification of Building Permits

The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval

In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with an approved Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

7.5.1 Prohibited Activities

7.5.1.1 **Illicit Discharges** No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 **Illicit Connections** No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 **Obstruction of Municipal Storm Drain System** No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions

The following are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters;
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;
- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and
- (k) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law.

7.7.2 Exempt Activities

The following activities shall be exempt from this By-Law:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 **Pre-Construction**

A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 **Construction**

The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 **Post-Construction**

For both commercial and residential projects, the Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices (BMPs) to remove pollutants from stormwater prior to recharge to the groundwater in accordance with the Massachusetts Stormwater Handbook. The purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 **Standard Infiltration Method**

As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development subject to this By-Law with 4,000 square feet of impervious surface or less on the property, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall capture the stormwater runoff from the entire roof. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 Poor Soils

Properties located within an area of poor soils as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 Operation and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this By-Law. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious surface or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 As-Built Drawing

Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 Design Criteria

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious surface constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All developments subject to this By-Law shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control measures must, in the opinion of the Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission, as the case may be, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

- 7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:

- (a) eliminate illicit connections or discharges to the MS4;
- (b) perform monitoring, analyses, and reporting; operations; and
- (d) remediate contamination in connection therewith.

7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.

7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

SECTION 7.11 WAIVER

The permit granting authority may waive strict compliance with any requirement of this By-Law when (a) such action would serve a substantial public interest, (b) such action is required for compliance with the Massachusetts Contingency Plan (MCP), or (c) strict compliance would result in severe economic hardship greater in magnitude than the public interest to be served."

Article Information: In June 1996, the Town of Needham entered into a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) agreeing to undertake a cleanup of its stormwater discharges into the Charles River. In May 2000, the Town agreed to incorporate the comments from the EPA and its consultant, the Center for Watershed Protection, into its Stormwater Management Plan. The Center for Watershed Protection recommended that all building permits receive approval from the DPW to ensure proper handling of stormwater and that the Town adopt stormwater regulations, similar to DEP Stormwater Regulations, to improve water quality throughout the Town.

In July 2003, the Environmental Protection Agency (EPA) finalized its National Pollutant Discharge Elimination System (NPDES) Phase II regulations for stormwater. The regulations required municipalities with separate storm sewer systems (MS4s) to improve stormwater quality within all urbanized areas to the Maximum Extent Practicable (MEP). It also required municipalities to obtain a permit from the EPA (administered in

conjunction with the Massachusetts DEP) to allow stormwater discharges into the "Waters of the Commonwealth." The 2003 regulations specified that a By-Law or other regulatory mechanism be adopted by the Town to provide the authority to enforce the 2003 regulations. For the initial five (5) year permit period, the Town elected to utilize existing regulatory mechanisms that had already been established and routinely exercised.

In 2016, the EPA revised the NPDES Phase II regulations for stormwater. The new 2016 regulations require municipalities to undertake substantial efforts to further clean stormwater prior to its discharge into wetlands, streams, ponds, and other resource areas by meeting certain Water Quality Standards (WQS) and Total Maximum Daily Loads (TMDLs). One of the requirements in the 2016 regulations mandates that municipalities create a Stormwater By-Law that, at a minimum, addresses the following areas of concern (termed "minimum control measures"): Illicit Discharge, Detection and Elimination, Construction/Erosion and Sediment Control, and Post-Construction Stormwater Management.

The Illicit Discharge, Detection and Elimination minimum control measure involves searching, documenting and removing sanitary sewer connections to the Town's stormwater drainage system. This is an ongoing monitoring program of investigation through the use of closed circuit television cameras and stormwater sampling to detect, document and remove sanitary sewage from the stormwater discharging into resource areas in Needham.

The Construction/Erosion and Sediment Control minimum control measure involves the creation of a set of requirements to ensure that construction sites are well-maintained and are kept in a neat and clean manner. It also involves requirements designed to prevent, minimize, or eliminate sediments from leaving the construction area, and stipulates minimum inspection criteria and documentation standards.

The Post-Construction Stormwater Management minimum control measure involves the creation of a set of requirements to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites.

The 2016 NPDES Regulations also identified Needham as one of the communities required to meet phosphorus and pathogen TMDLs within 20 years of the regulation's effective date (July 1, 2018). The requirement mandates that the Town reduce its phosphorus load by forty-five percent (45%). A Phosphorus Control Plan is required to be submitted in three phases over a fifteen year period with the first phase due within five years of the effective date. The Department of Public Works and its consultant have determined that the 20 year control plan and implementation period is not "practicable" and have instead proposed a 40 year implementation plan based on the current rate of building permit applications meeting certain construction criteria. In order to implement the plan, drywells will need to be included in plans for certain building permit applications.

The proposed Phosphorus Control Plan will allow the Town to reduce its phosphorus discharges at the pace of development, and will substantially reduce the cost of implementation. The drywell method selected will also reduce pathogens and will have the consequential effect of substantially reducing the volume of stormwater entering the Town's drainage system, thereby reducing flooding on Town streets.

The Stormwater By-Law will be implemented by way of regulations to be issued by the Board of Selectmen, after public hearing.

MOVED: That the town vote to amend the General By-Laws by inserting a new Article 7 as follows:

“ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham's Municipal Separate Storm Sewer System (MS4).
- (c) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections.
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards, regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996.
- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement.
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff.
- (g) To promote infiltration and the recharge of groundwater.
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff.
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs) Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Commercial The term commercial shall include municipal, industrial, and multi-family projects.

Construction Site Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Zoning Board of Appeals (ZBA), or Conservation Commission.

Erosion Control The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff. Erosion control is typically achieved through the installation of straw bales, silt fence, silt socks, or by surface coverings such as jute mesh, erosion control blankets, or by the establishment of surface vegetation.

Dry Well A subsurface structure that infiltrates stormwater runoff.

Green Citizen Certificate A certificate issued by the Board of Selectmen conferring recognition to environmentally conscious citizens who install infiltration/recharge systems, rain gardens, or similar stormwater quality improvements that are not required by the Stormwater By-Law or these promulgated regulations.

Illicit Connection A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, rooftops and swimming pools.

Large Residential Project A residential project (new construction or reconstruction) of a residential building with larger than 4,000 square feet (s.f.) of ground coverage.

Low Impact Development (LID) Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

Massachusetts Stormwater Handbook (MSH) A document published in 1997 and revised and updated in 2008 by MassDEP as guidance on the 1996 Stormwater Policy.

MS4 (Municipal Separate Storm Sewer System) The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit

A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot, or construction of a subdivision roadway requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan The plan that accompanies an application for a Building Permit.

Point Source Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Permitting Authority The municipal board, committee or department with authority for issuing permits for construction. These include the Planning Board, Conservation Commission, Department of Public Works, Building Department, and Zoning Board of Appeals.

Recharge The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) Development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

Runoff The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater Water originating from rainfall and snow/ice melt.

Stormwater Management The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Vegetation Trees, shrubs, bushes and ground cover, including grass.

Watershed Management Plan The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L. ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this By-law, after conducting a public hearing to receive Public comment.

- 7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.
- 7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.
- 7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 Permits and Approvals

All persons required to obtain a Building Permit for new construction and/or additions greater than 25% of the existing building footprint shall be subject to the requirements of this By-Law.

All persons also required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction and/or additions greater than 25% of the existing building footprint) are subject to the requirements of this By-Law.

7.4.2 Stormwater Management and Erosion Control

Except as listed below, all applications for new construction or redevelopment subject to the provisions of this By-law, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions.

The relevant permitting authority (Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission) shall review and approve the Stormwater Management and Erosion Control Plan prior to the issuance of a permit.

The Director of Public Works/designee shall participate in the review process and make recommendations to the permitting authority as needed. Applications involving facade treatments, interior renovations, and/or changes in use are exempt from the requirement for a Stormwater Management and Erosion Control Plan.

The following applications do not require a Stormwater Management and Erosion Control Plan when proposed in an area not subject to jurisdiction of the Conservation Commission:

- Applications for addition to a commercial structure, parking lot, or roadway that is less than 1,500 square feet.

7.4.3 Modification of Building Permits

The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval

In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with an approved Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

7.5.1 Prohibited Activities

7.5.1.1 **Illicit Discharges** No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 **Illicit Connections** No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 **Obstruction of Municipal Storm Drain System** No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions

The following are exempt from the requirements of this By-Law:

- (l) Water line flushing;
- (m) Landscape irrigation;
- (n) Diverted stream flows;

- (o) Rising ground waters,
- (p) Uncontaminated ground water (groundwater that is free of pollutants);
- (q) Discharges from potable water sources;
- (r) Air conditioning condensation;
- (s) Lawn watering;
- (t) Flows from wetland resource areas;
- (u) Discharges or flows from firefighting activities; and
- (v) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law.

7.7.2 Exempt Activities

The following activities shall be exempt from this By-Law:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 Pre-Construction

A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 Construction

The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 Post-Construction

For both commercial and residential projects, the Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices (BMPs) to remove pollutants from stormwater prior to recharge to the groundwater in accordance with the Massachusetts Stormwater Handbook. The purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 Standard Infiltration Method

As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development subject to this By-Law with 4,000 square feet of impervious surface or less on the property, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall capture the stormwater runoff from the entire roof. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 Poor Soils

Properties located within an area of poor soils as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 Operation and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit,

Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this By-Law. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious surface or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 **As-Built Drawing**

Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 **Design Criteria**

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious surface constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All developments subject to this By-Law shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control measures must, in the opinion of the Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission, as the case may be, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization

or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:

- (a) eliminate illicit connections or discharges to the MS4;
- (b) perform monitoring, analyses, and reporting; operations; and
- (d) remediate contamination in connection therewith.

7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.

7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

SECTION 7.11 WAIVER

The permit granting authority may waive strict compliance with any requirement of this By-Law when (a) such action would serve a substantial public interest, (b) such action is required for compliance with the Massachusetts Contingency Plan (MCP), or (c) strict compliance would result in severe economic hardship greater in magnitude than the public interest to be served.”

The following motion to amend was offered by Mr. Matthew D. Borrelli, Selectman:

MOVED: That the main motion under Article 15 be amended by:

deleting the text of Section 7.4 and inserting in place thereof the word “[Reserved]”; and

deleting the text of Section 7.7 and inserting in place thereof the word “[Reserved]”; and

inserting a new section 7.12 as follows:

SECTION 7.12 EFFECTIVE DATE

[Reserved].”

Janet Bernardo, Chairman, addressed this proposal on behalf of the Conservation Commission. He explained that she is a civil engineer and specializes in stormwater management. She explained that we really need to send stormwater back into the ground to get cleaned and eventually become clean enough to drink. Janet urged support of this by-law and future articles to keep our water clean.

Louise L. Miller, member, advised that the Finance Committee unanimously recommends adoption of Article 15. We must comply with the EPA requirements and cautioned that non-compliance could result in daily fines.

Mr. Joseph J. Leghorn stated that he was formerly involved in water waste and suggested that Town Meeting reject the amendment and pass the original by-law. He questioned the reasoning behind offering an amendment which deletes the guts of the by-law.

Mr. Borrelli explained that the Board of Selectmen feels it is important to move forward with the by-law now and return with future updates.

In response to an inquiry from Ilan Barzilay, Mr. Borrelli indicated that there are no guarantees as far as fines for non-compliance.

After a brief discussion, Mr. John D. Crimmings requested the opinion of Town Counsel. Town Counsel David S. Tobin suggested that it would be his opinion that Town Meeting pass the original motion.

Mr. Nicholas P. Sterling questioned if the town was already complying with the stormwater by-law. Mr. Borrelli noted that the Town is currently complying with this by-law for commercial property. What would change would be the inclusion of residential property.

A motion to move the previous question on the main motion and the motion to amend was offered by Mr. William R. Dermody. The motion was presented and carried by the required two-thirds vote.

Mr. Borrelli's motion to amend was presented, but it failed to pass on a voice vote.

ACTION: The main motion was presented and carried by a majority vote on a voice vote declared by the Moderator.

ARTICLE 16: was adopted previously this evening by unanimous consent.

At this time the Moderator thanked the following individuals for their help in making this Special Town Meeting run smoothly: Noah Ramos and Lily Pendergast for manning the microphones, Steven Jacques for serving as Marshall, and Pat Thornton, Town Hall Custodian.

At 10:15 P.M. Mr. Daniel P. Matthews, Chairman, on behalf of the Board of Selectmen, offered the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of Sidney Dockser

WHEREAS: Sidney J. (“Sid”) Dockser was born and raised in Brookline, graduated from Brookline High School, and earned both a Bachelor of Science and Law Degree from Boston University; and

WHEREAS: Sid and his wife of 60 years Cheryl (Bahn) Dockser settled in their family home on Wayne Road in Needham, where they raised their sons Mark and Ken; and

WHEREAS: Sid served in the U.S. Air Force during the Korean War, and as a Judge Advocate General in the Air Force Reserves, retiring at the rank of Major; and

WHEREAS: Sid was admitted to the bar in 1958. He was a practicing lawyer for nearly 60 years, providing counsel and advice in corporate, small business, criminal, arts, and tax matters, taking on many pro bono cases; and

WHEREAS: Sid loved the arts – music, theater, film and literature – and was a master storyteller. Throughout his life he was a champion of the underprivileged and disadvantaged; and

WHEREAS: Sid served as a member of the Council on Aging from 1979 to 1986, as a member and chair of the Needham Housing Authority in 1980, and as a Town Meeting Member for 27 years, serving from 1965 through 1992;

NOW THEREFORE, be it resolved by this body that the October 10, 2018 Special Town Meeting be dissolved in honor of the civic and community contributions of Sid Dockser to the Town of Needham.

ACTION: At 10:20 P.M. the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

* * * * *

RECORD OF THE STATE ELECTION
Tuesday, November 6, 2018

The ballot box returns in the Precincts were as follows:

Pursuant to a Warrant issued by the Selectmen July 24, 2018 the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the sixth day of September in the year 2018 at seven o'clock in the forenoon for the purpose of nominating State and Country officers. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero report printed. The boxes were then locked and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A - The Center at the Heights
 Precinct B - The Center at the Heights
 Precinct C - Newman School – Gymnasium
 Precinct D - Newman School - Gymnasium
 Precinct E - Broadmeadow School Performance Center
 Precinct F - Needham High School – Gymnasium B
 Precinct G - Needham High School – Gymnasium B
 Precinct H - Broadmeadow School Performance Center
 Precinct I- William Mitchell School - Gymnasium
 Precinct J- William Mitchell School - Gymnasium

The polls were opened at seven o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

Cards of instruction and specimen ballots were posted as required by Section 48, Chapter 54 of the General Laws.

<u>PRECINCTS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	95	133	109	128	128
9:00 A.M.	155	223	206	209	212
10:00 A.M.	253	358	308	269	271
11:00 A.M.	339	488	430	364	354
12:00 NOON	415	586	540	444	438
1:00 P.M.	515	668	620	485	480
2:00 P.M.	558	770	660	524	526
3:00 P.M.	625	-	700	578	569
4:00 P.M.	680	845	736	623	631
5:00 P.M.	730	928	815	705	725
6:00 P.M.	840	1024	904	795	797
7:00 P.M.	902	1104	1014	887	905
8:00 P.M.	973	1170	1080	947	975

<u>PRECINCTS</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	102	115	150	158	130
9:00 A.M.	167	196	239	272	225
10:00 A.M.	236	270	326	386	325
11:00 A.M.	324	332	410	501	435
12:00 NOON	396	397	496	581	541
1:00 P.M.	427	451	557	650	622
2:00 P.M.	471	503	607	703	662
3:00 P.M.	520	533	648	745	692
4:00 P.M.	569	580	701	796	754
5:00 P.M.	640	649	792	893	839
6:00 P.M.	728	763	873	996	934
7:00 P.M.	854	855	1006	1136	1050
8:00 P.M.	902	945	1073	1192	1108

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:52 P.M., November 6, 2018.

The total number of votes cast was as follows:

	Total
Precinct A	1392
Precinct B	1680
Precinct C	1612
Precinct D	1590
Precinct E	694
Precinct F	728
Precinct G	731
Precinct H	745
Precinct I	762
Precinct J	702
TOTAL	7,106

(The absentee ballots are included in the Total Vote)

TOTAL VOTE CAST – 16,445

(73.35% of 22,419 Registered Voters (includes 1109 Inactive Voters))

Total Vote Cast includes 73 additional ballots - including 8 provisional ballots and 65 UOCAVA Ballots from outside the United States)

The result of the balloting was as follows:

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	1397	1686	1615	1597	1723	1613	1706	1703	1720	1685	16,445

Senator in Congress (Vote for One)

Elizabeth A. Warren	919	1103	1034	1085	1117	1134	1107	1088	1205	1162	10,954
Geoff Diehl	407	511	493	446	523	401	497	521	415	443	4,657
Shiva Ayyadurai	44	40	61	43	49	48	55	58	55	47	500
Scattered Write-Ins:	1	2	2	2	6	3	6	4	2	4	32
Blanks	26	30	25	21	28	27	41	32	43	29	302

Governor and Lieutenant Governor (Vote for One)

Baker and Polito	892	1159	1114	1036	1165	980	1130	1133	1072	1041	10,722
Gonzalez and Palfrey	472	487	476	531	521	592	530	526	622	612	5,369
Scattered Write-Ins:	3	6	2	1	3	1	2	4	3	3	28
Blank	30	34	23	29	34	40	44	40	23	29	326

Attorney General (Vote for One)

Maura Healey	1035	1245	1229	1227	1291	1278	1293	1257	1395	1292	12,542
James R. McMahon, III	327	405	353	339	401	293	370	404	288	355	3,535
Scattered Write-Ins:	1	0	0	1	0	0	2	0	1	2	7
Blanks	34	36	33	30	31	42	41	42	36	36	361

Secretary of State (Vote for One)

William Francis Galvin	1037	1217	1196	1216	1310	1233	1267	1269	1344	1272	12,361
Anthony M. Amore	275	379	328	294	320	264	313	317	270	299	3,059
Juan G. Sanchez, Jr.	39	31	23	40	34	49	41	52	35	51	396
Scattered Write-Ins:	0	0	0	1	0	1	2	2	1	1	8
Blanks	46	59	68	46	59	66	83	62	70	62	621

Treasurer (Vote for One)

Deborah B. Goldberg	983	1197	1140	1175	1231	1186	1174	1175	1262	1220	11,743
Keiko M. Orrall	313	383	377	329	374	293	374	397	315	327	3,482
Jamie M. Guerin	30	21	23	27	33	42	43	33	38	45	335
Scattered Write-Ins:	1	1	1	0	0	1	1	2	0	1	8
Blanks	70	84	74	66	85	91	114	96	105	92	877

Auditor (Vote for One)

Suzanne M. Bump	879	1057	1007	1058	1100	1058	1060	1043	1149	1111	10,522
Helen Brady	338	436	416	362	419	339	399	430	338	374	3,851
Daniel Fishman	64	75	73	67	85	66	79	72	77	61	719
Edward J. Stamas	19	23	15	18	17	31	32	29	29	30	243
Scattered Write-Ins:	1	0	1	0	0	1	2	3	0	4	12
Blanks	96	95	103	92	102	118	134	126	127	105	1,098

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	1397	1686	1615	1597	1723	1613	1706	1703	1720	1685	16,445

Representative in Congress (Fourth District) (Vote for One)

Joseph P. Kennedy, III	1098	1321	1304	1307	1380	1309	1361	1363	1427	1368	13,238
Scattered Write-Ins:	26	32	26	43	20	22	28	30	26	32	285
Blanks	273	333	285	247	323	282	317	310	267	285	2,922

Councillor (Second District) (Vote for One)

Robert L. Jubinville	993	1187	1147	1170	1228	1178	1199	1190	1274	1241	11,807
Scattered Write-Ins:	19	24	16	21	16	13	17	23	16	17	182
Blanks	385	475	452	406	479	422	490	490	430	427	4,456

Senator in General Court (Norfolk, Bristol & Middlesex District) Precincts A,B,C,I,J) (Vote for One)

Richard J. Ross	450	570	546	-	-	-	-	-	486	514	2,566
Rebecca L. Rausch	881	1032	965	-	-	-	-	-	1157	1082	5,117
Scattered Write-Ins:	1	21	31	-	-	-	-	-	16	31	1000
Blanks	65	63	73	-	-	-	-	-	61	58	320

Senator in General Court (Norfolk & Suffolk District) (Precincts D,E,F,G,H) (Vote for One)

Michael F. Rush	-	-	-	1177	1257	1177	1238	1221	-	-	6,070
Scattered Write-Ins:	-	-	-	20	10	13	16	27	-	-	86
Blanks	-	-	-	400	456	423	452	455	-	-	2,186

Representative in General Court (Thirteenth Norfolk District) (Vote for One)

Denise C. Garlick	1077	1289	1279	1266	1363	1309	1358	1344	1431	1348	13,064
Scattered Write-Ins:	24	26	12	19	18	17	15	26	22	26	205
Blanks	296	371	324	312	342	287	333	333	267	311	3,176

District Attorney (Norfolk District) (Vote for One)

Michael W. Morrissey	1030	1232	1209	1197	1273	1195	1228	1242	1344	1281	12,231
Scattered Write-Ins:	21	19	11	18	13	16	16	23	17	20	174
Blanks	346	435	395	382	437	402	462	438	359	384	3,176

Clerk of Courts (Norfolk County) (Vote for One)

Walter F. Timilty, Jr.	1024	1225	1188	1182	1255	1180	1210	1228	1318	1257	12,067
Scattered Write-Ins:	22	20	12	18	12	16	14	22	13	20	169
Blanks	351	441	415	397	456						
417 482	453	389	408	4,209							

Register of Deeds (Norfolk District) (Vote for One)

William P. O'Donnell	1036	1228	1200	1208	1272	1194	1226	1233	1335	1273	12,205
Scattered Write-Ins:	17	18	12	15	9	13	13	20	13	19	149
Blanks	344	440	403	374	442	406	467	450	372	393	4,091

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	1397	1686	1615	1597	1723	1613	1706	1703	1720	1685	16,445

County Commissioner (Norfolk County) (Vote for Not More Than Two)

Peter H. Collins	1012	1187	1164	1169	1224	1149	1186	1187	1293	1236	11,807
Scattered Write-Ins:	17	21	13	18	10	15	16	19	11	18	158
Blanks	368	478	438	410	489	449	504	497	416	431	4,480

County Treasurer (to Fill Vacancy) (Norfolk County) (Vote for One)

James E. Timilty	940	1092	1092	1087	1152	1087	1117	1139	1213	1149	11,068
Scattered Write-Ins:	16	19	14	17	12	14	16	16	9	18	151
Blanks	441	575	509	493	559	512	573	548	498	518	5,226

Question 1 (Patient-to-Nurse Limits)

Yes	332	297	263	357	367	361	368	339	350	418	3,452
No	1032	1349	1332	1216	1328	1219	1316	1343	1343	1233	12,711
Blanks	33	40	20	24	28	33	22	21	27	34	282

Question 2 (Commission on Limiting Election Spending and Corporate Rights)

Yes	1010	1191	1156	1161	1267	1214	1261	1230	1354	1249	12,093
No	326	437	415	375	406	334	387	430	329	374	3,813
Blanks	61	58	44	61	50	65	58	43	37	62	539

Question 3 (Transgender Anti-Discrimination)

Yes	1045	1241	1251	1265	1367	1295	1346	1305	1448	1303	12,866
No	327	392	338	296	332	290	324	380	256	343	3,278
Blanks	25	53	26	36	24	28	36	18	16	39	301

Question 4 (Town of Needham Prop 2 1/2 Ballot Question - Public Safety Building & Fire Station #2)

Yes	841	1052	991	1037	1103	1038	1117	1054	1132	1058	10,423
No	442	499	534	473	522	471	490	553	501	512	4,997
Blanks	114	135	90	87	98	104	99	96	87	115	1,025

The ballots casts in the several precincts were returned to the Town Clerk in the sealed cases. The voting lists used at the entrances to the polling places and at the ballot boxes and copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 10:59 P.M., November 6, 2018.

Theodora K. Eaton, MMC
Town Clerk

A true Copy
ATTEST

RECORD OF SPECIAL TOWN MEETING Tuesday January 22, 2019

Pursuant to a Warrant issued by the Selectmen December 21, 2018 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Great Hall at the Needham Town Hall, Tuesday, January 22, 2019, at 7:30 o'clock in the afternoon (snow date Monday, January 28, 2019).

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and 188 voters, including 186 Town Meeting Members, were checked on the list as being present and 60 absent.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. Town Meeting Members were requested to rise and join the Moderator in honoring our country by saluting the flag and reciting the Pledge of Allegiance.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator stated that Town Meeting Members may only sit in the first eleven rows as indicated by the Marshall, Steven Jacques, and as signified by the pylons. He further noted that the one microphone which must be used for comments from the floor is being provided to you by Lily Pendergast.

The Moderator announced the following ground rules and these were adopted unanimously:

1. Please rise to be recognized and address the Moderator as Chair. When a member is recognized by the Chair, please state your name and precinct clearly so that the Town Clerk may keep accurate records. If for some reason related to a disability a member cannot rise, shout "Mr. Moderator" or raise your hand high to inform the Chair so that appropriate accommodation may be made.
2. Anyone entering or exiting the Hall while we are in session must use care not to disrupt the session, in particular, must not allow the doors to slam.
3. All cell phones and similar electronic devices must be place in silent mode – **Please check this status now.**
4. No firearms or weapons are permitted in the hall, except by law enforcement personnel.
5. No hats may be worn in the hall other than by uniformed personnel or for religious or medical reasons.
6. Members and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bonds of civility. Please remember that we are ONE community and ONE Town Meeting Family with one common goal: the best interests of our town.

7. All commentary, remarks and inquiries must be addressed to the Moderator as Chair.

8. Your attention is drawn to the disclosure required by an attorney employed by one who has an interest in a matter as set forth in Art. I, Sec. 1.8 of the Needham General By-Laws.

9. Blank forms for lengthy motions are available from Town Counsel, Mr. Tobin, and should be employed. If lengthy or complicated motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

10. Short motions to amend and procedural motions need not be in writing.

11. Parliamentary motions known as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been placed on the floor.

12. Limits on debate shall be enforced by the Moderator.

13. Questions asked for general informational purposes unrelated to the matter under consideration by the meeting shall be ruled out of order.

14. As stated in the Moderator's memorandum to Town Meeting Members in connection with our Annual Town Meeting, inappropriate conduct involving the T.V. coverage or cameras shall be dealt with swiftly by the chair and will be deemed to be out of order and addressed swiftly and definitively by the chair.

15. The Moderator seeks unanimous consent to adopt the following rules of practice concerning debate:

Committee Chairpersons, Proponents of Articles including Citizen Petitioners, Attorneys representing proponents: **(15 Minutes inclusive per article)**

Town Meeting Members, non-Town Meeting Members, visitors other than attorneys: **(5 Minutes all-inclusive per article)**

Announcements

The Moderator welcomed our State Senator, Rebecca L. Rausch, of the Norfolk Bristol and Middlesex District.

The Moderator welcomed our State Representative of the Thirteenth Norfolk District, Denise C. Garlick.

The Moderator announced that Article 1 is the subject to a motion to amend to add an Emergency Preamble and cannot be enacted by unanimous consent in the consent calendar.

Discussion commenced under Article 1.

ARTICLE 1: APPROPRIATE FOR MITCHELL SCHOOL MODULAR CLASSROOMS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$630,000 for the construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this

appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: This Article requests approval of \$630,000 in supplemental funding for construction of two modular classrooms at the Mitchell School. Town Meeting has already appropriated a total of \$1,560,000 for this project, which is intended to provide necessary space in anticipation of implementation of full-day kindergarten in September of 2019. The additional funds are needed because the one bid received, although otherwise satisfactory, is greater than the appropriation, and Town Meeting approval of the requested amount is necessary for the project to go forward.

The Select Board, School Committee, and Permanent Public Building Committee (PPBC) have considered alternative options, such as redesign or rebidding the project. The difference between the appropriation and current bid is understood to be driven by tight market conditions. The boards believe that delaying the project would be unlikely to achieve material savings or decrease the cost. Further, delay would adversely affect the educational program, since the new classrooms would not be available for the September, 2019 full-day kindergarten start date.

Because of the time frame for the project, Town Meeting approval of an emergency preamble will be requested.

Additional information is below.

Since May 2018, Town Meeting has approved a total of \$1,560,000 for the construction of two modular classrooms at the Mitchell School: Town Meeting appropriated \$210,000 for design in May, 2018, followed by an additional \$1,350,000 for construction in October, 2018. These modular classrooms will supplement the school's 22 existing classrooms to provide the 24 classroom spaces necessary to implement full-day kindergarten at Mitchell School.

The bid process this fall resulted in only one bid for construction of the modular units. That \$1.73 million bid exceeded the anticipated construction budget by approximately \$630,000. The PPBC has stated that an additional appropriation of \$630,000, as requested in this Article, is needed in January, 2019 to proceed with the current bid, with an emergency preamble. If approved, a project award would be made in early spring to maintain a scheduled opening in September, 2019.

Several reasons may explain the higher than anticipated bid. There is uncertainty in the market relating to tariffs on imported construction materials, and an extremely tight market for labor given the amount of construction in the Boston metropolitan area. Additionally, there are a limited number of suppliers of these types of modular structures, and the extent of the site work required may have acted to limit interest in the project.

Rebidding or modifying the scope of the project, for example, by relocating or changing the building elements, or redesigning for on-site (as opposed to modular) construction, would delay implementation by one year and would likely increase total cost. Best estimates are that construction costs in the current market will continue to increase, with a limited pool of qualified bidders for the complicated Mitchell site.

Additionally, delay of the project would create significant operational challenges for the school, requiring compromises to the educational program. The new modular classrooms are intended to provide appropriate space for music and art, which will in turn free up space to meet the need for full day kindergarten, special

education, English Language Learning, and literacy program spaces. If the space is not available in September of 2019, Mitchell School will still be able to provide full-day kindergarten but:

- Art classes would need to be delivered in regular classrooms, traveling as "Art on a Cart." That art program would be substantially altered due to the lack of space, materials, water, etc. Due to the lack of an elevator, two different sets of art resources would also be needed as well as a part time art teacher to assist with the delivery of the program.
- Teachers and staff would continue to instruct students requiring English Language Learning, special education, and literacy lessons in available hallways and stairwells. Some student testing and conferences would be held in closets, public spaces, or adjacent to staff toilet areas. Some parent and teacher conferences would be held in public spaces, which typically provide little or no privacy.
- Before and after school programs would be impacted and placed in the cafeteria with little ability to separate and program for different age groups.

The School Committee and Select Board request funding approval to proceed with the current bid. Although the current bid is higher than expected, the bidder is qualified and the PPBC believes the bidder can satisfactorily complete the project on time and within the revised budget. Timely completion of the modular classrooms will be a significant help in implementing full-day kindergarten in September.

MOVED: that the Town will vote to raise and/or transfer and appropriate the sum of \$630,000 for the construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

The following motion to amend was offered by Daniel P. Matthews, Chair of the Select Board:

Moved: That the main motion under Article 1 is amended by adding an emergency preamble as follows:

"This is an emergency measure necessary for the immediate preservation of the peace, health, safety and/or convenience of the Town, and therefore final vote of the Town Meeting passing this measure shall be immediately operative."

Mr. Matthews addressed this article and the amendment on behalf of the Select Board. He noted that the motion to amend to add an Emergency Preamble requires a two-thirds vote for passage. He thanked Town Meeting Members for attending this evening's Special Town Meeting and noted that the source of funding for this proposal is Free Cash. He stated that this article is a supplemental appropriation necessary in order to go forward with the all-day kindergarten program. The Select Board unanimously to recommend adoption of Article 1 and the motion to amend.

Mr. Aaron B. Pressman, Chair of the School Committee, addressed Town Meeting and apologized for bringing Town Meeting Members out, but expressed concern that we need to move this project forward. The School Committee asks for your vote.

Mr. Thomas Jacobs, Chair, recommended adoption on behalf of the Finance Committee. He explained that the use of free cash to fund this article will have no impact on our rating but would

be down in May by \$630,000. The Finance Committee unanimously recommends adoption of article 1.

In response to an inquiry from Mr. David C. Harris, Mr. Pressman advised that the operating cost of full day kindergarten is approximately \$2,000,000 and the Town will receive about \$700,000 in State Aid.

In response to an inquiry from Carol I. Urwitz about falling short in the cost, Mr. George F. Kent, Chairman, Permanent Public Building Committee, explained that they, too, were surprised and noted that several bids for other projects came in within or under budget. The Police & Fire project came in as anticipated. There are only one or two firms bidding on this type of project and we believe we might be able to bargain with the vendor to decrease this cost.

Mr. Paul S. Alpert expressed concern that passing the emergency preamble is taking away the rights of the people particularly when the project is not going to be built for three or four months. Mr. Kent noted that we need to get this project in line in order to have this project ready for the opening of school in the fall. The modular classrooms are built in a factory.

Mr. Carlos Aqualimpia rose in support of this article but expressed concern that there was only one bidder on this project.

After a brief discussion, Mr. Matthews motion to amend to add an emergency preamble, which requires a two-thirds vote for passage, was presented and carried by the required two-thirds vote declared by the Moderator.

ACTION: the main motion, as amended, which requires a majority vote, was presented and carried by unanimous vote.

VOTED: that the Town will vote to raise and/or transfer and appropriate the sum of \$630,000 for the construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash. This is an emergency measure necessary for the immediate preservation of the peace, health, safety and/or convenience of the Town, and therefore final vote of the Town Meeting passing this measure shall be immediately operative.

At this time the Moderator thanked the following individuals for their help in making this Special Town Meeting run smoothly: Lily Pendergast for manning the microphone, Steven Jacques for serving as Marshall, Pat Thornton, Town Hall Custodian, and Mark Mandell from the Needham Channel.

At 8:20 P.M. Mr. Daniel P. Matthews, Chairman, on behalf of the Select Board, offered the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of Roma Jean Brown

WHEREAS: Roma Jean (Speer) Brown was born and raised in Oak Park, Illinois, and graduated from Northwestern University; and

WHEREAS: Roma Jean was married to the late Dr. Dick Brown for nearly sixty years. They settled in Needham and together they raised their four children: Denise, Julia, Jeffrey, and the late Forrest. Dick and Roma were the proud grandparents of eleven grandchildren and eight great-grandchildren; and

WHEREAS: Roma Jean was an active member of her church, serving on the Altar Guild, teaching Sunday school, coordinating Vacation Bible School, and serving on the Church Council; and

WHEREAS: Roma Jean was instrumental in the creation of the Traveling Meals program in Needham, and was the very first volunteer to deliver meals for that program. She later became the founder and President of the Friends of the Board of Health; and

WHEREAS: Roma Jean participated in the drive to establish the Stanley Tippet Hospice Home, and served as president, secretary, and board member of Springwell, the elder support organization serving nine local communities. She was a passionate member of the League of Women Voters, and a 2001 Richard Patton Melick Foundation award recipient; and

WHEREAS: Roma Jean served as a Library Trustee for 23 years, and as a member of the Council on Aging for over 22 years. She served as a Town Meeting Member representing Precinct E for 30 years, from 1977 to 2007.

NOW THEREFORE, be it resolved by this body that the January 22, 2019 Special Town Meeting be dissolved in honor of the civic and community contributions of Roma Jean Brown to the Town of Needham.

ACTION: At 8:20 P.M. the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

* * * * *

RECORD OF THE ANNUAL TOWN ELECTION
Tuesday, April 9, 2019

Pursuant to a Warrant issued by the Selectmen March 12, 2019, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the ninth day of April in the year 2019 at seven o'clock in the forenoon for the purpose of nominating Town Officers and Town Meeting Members. The polls remained open until 8:00 o'clock in the afternoon.

The meeting was called to order and the Wardens of the Precincts read the Warrant and the Officer's Return.

The ballot boxes were inspected and found to be empty and with the zero report printed. The boxes were then locked and the keys delivered to the Police Officers in attendance.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A - The Center at the Heights
 Precinct B - The Center at the Heights
 Precinct C - Newman School – Gymnasium
 Precinct D - Newman School - Gymnasium
 Precinct E - Broadmeadow School Performance Center
 Precinct F - Needham High School – Gymnasium B
 Precinct G - Needham High School – Gymnasium B
 Precinct H - Broadmeadow School Performance Center
 Precinct I - William Mitchell School - Gymnasium
 Precinct J - William Mitchell School - Gymnasium

The polls were opened at seven o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

Cards of instruction and specimen ballots were posted as required by Section 48, Chapter 54 of the General Laws.

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for Three Years;
 One Member of the Select Board for Three Years;
 One Town Clerk for Three Years;
 One Assessor for Three Years;
 Three Members of School Committee for Three Years;
 One Trustee of Memorial Park (trustee of soldiers' memorials – Veteran) for Three Years;
 One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;
 Two Trustees of Needham Public Library for Three Years;
 One Trustee of Needham Public Library for Two Years;
 One Member of Board of Health for Three Years;
 Two Members of Board of Health;
 One Member of Planning Board for Five Years;
 One Member of Needham Housing Authority for Five Years;
 One Commissioner of Trust Funds for Three Years;
 One Commissioner of Trust Funds for One Year;
 Two Members of Park and Recreation Commission for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;
 One Town Meeting Member from Precinct A for One Year;
 Eight Town Meeting Members from Precinct B for Three Years;
 One Town Meeting Member from Precinct B for Two Years;
 Eight Town Meeting Members from Precinct C for Three Years;
 One Town Meeting Member from Precinct C for One Year;
 Eight Town Meeting Members from Precinct D for Three Years;
 Eight Town Meeting Members from Precinct E for Three Years;
 Eight Town Meeting Members from Precinct F for Three Years;
 Eight Town Meeting Members from Precinct G for Three Years;
 Eight Town Meeting Members from Precinct H for Three Years;
 Eight Town Meeting Members from Precinct I for Three Years;
 One Town Meeting Member from Precinct I for One Year;
 One Town Meeting Member from Precinct I for Two Years;
 Eight Town Meeting Members from Precinct J for Three Years.

The ballot box returns in the Precincts were as follows:

<u>PRECINCTS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	7	5	7	13	4
9:00 A.M.	14	11	12	20	11
10:00 A.M.	20	27	27	39	21
11:00 A.M.	28	60	35	51	33
12:00 NOON	37	74	43	69	50
1:00 P.M.	51	87	50	80	61
2:00 P.M.	58	95	57	89	69
3:00 P.M.	61	103	59	106	72
4:00 P.M.	67	112	66	128	79
5:00 P.M.	73	133	79	140	89
6:00 P.M.	81	143	93	172	101
7:00 P.M.	87	159	107	197	113
8:00 P.M.	99	173	121	210	119

<u>PRECINCTS</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>
7:00 A.M.	0	0	0	0	0
8:00 A.M.	6	18	9	9	12
9:00 A.M.	17	31	15	13	19
10:00 A.M.	23	40	25	25	24
11:00 A.M.	32	50	43	38	32
12:00 NOON	43	62	49	48	42
1:00 P.M.	53	78	58	52	45
2:00 P.M.	62	85	67	59	54
3:00 P.M.	70	88	75	64	64
4:00 P.M.	78	94	79	77	70
5:00 P.M.	89	116	102	85	84
6:00 P.M.	102	130	112	104	100
7:00 P.M.	126	158	130	121	112
8:00 P.M.	141	170	134	128	130

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:15 P.M., April 9, 2019.

The total number of votes cast was as follows:

Total	
Precinct A	99
Precinct B	173
Precinct C	121
Precinct D	210
Precinct E	120
Precinct F	141
Precinct G	170
Precinct H	134
Precinct I	128
Precinct J	<u>130</u>
TOTAL	1,426

(The absentee ballots are included in the Total Vote)

TOTAL VOTE CAST – 1,426
(6.62% of 21,525 Registered Voters)

The results of the balloting were as follows:

TOWN OFFICES

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	99	173	121	210	120	141	170	134	128	130	1,426

MODERATOR (for three years) (Vote for One)

Michael K. Fee	79	139	102	165	107	109	135	99	108	103	1,146
Scattered Write-Ins	0	0	0	2	0	1	0	5	0	4	12
Blanks	20	34	19	43	13	31	35	30	20	23	268

SELECTMAN (for three years) (Vote for One)

Daniel P. Matthews	82	137	99	163	104	105	121	103	103	100	1,117
Scattered Write-Ins	0	1	1	2	1	1	1	6	0	5	18
Blanks	17	35	21	45	15	35	48	25	25	25	291

TOWN CLERK (for three years) (Vote for One)

Theodora K. Eaton	83	139	103	175	107	114	135	102	112	104	1,174
Scattered Write-Ins	0	0	0	1	0	1	1	3	0	2	8
Blanks	16	34	18	34	13	26	34	29	16	24	244

ASSESSOR (for three years) (Vote for One)

David J. Ecsedy	28	67	40	61	42	46	66	47	66	40	503
Stanley Winston	47	65	52	81	43	55	51	55	39	64	552
Scattered Write-Ins	0	1	0	0	0	0	0	2	0	0	3
Blanks	24	40	29	68	35	40	53	30	23	26	368

SCHOOL COMMITTEE (for three years) (Vote for Not More Than Three)

Constance S. Barr	68	123	93	155	96	97	130	101	97	91	1,051
Andrea E. Longo Carter	67	124	90	142	87	92	107	96	97	79	981
Aaron M. Pressman	68	120	91	146	90	94	103	95	91	77	975
Scattered Write-Ins	0	2	0	0	0	0	0	4	0	5	11
Blanks	94	150	89	187	87	140	170	106	99	138	1,260

TOWN OFFICES

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	99	173	121	210	120	141	170	134	128	130	1,426

TRUSTEE OF MEMORIAL PARK (Trustee of Soldiers' Memorials – veteran) (for three years) (Vote for One)

Charles J. Mangine	74	129	94	152	86	92	116	99	96	87	1,025
Scattered Write-Ins	0	0	0	0	0	0	0	0	1	2	3
Blanks	25	44	27	58	34	49	54	35	31	41	398

TRUSTEE OF MEMORIAL PARK (Trustee of Soldiers' Memorials – non-veteran) (for three years) (Vote for One)

James G. Healy	74	129	95	155	90	90	117	96	98	90	1,034
Scattered Write-Ins	0	0	0	0	0	0	0	2	0	2	4
Blanks	25	44	26	55	30	51	53	36	30	38	388

TRUSTEE OF NEEDHAM PUBLIC LIBRARY (for three years) (Vote for Not More Than Two)

Kathleen Cahill Allison	68	123	91	143	90	91	114	96	100	86	1,002
Robert A. Pettit	68	108	88	143	76	84	109	87	91	79	933
Scattered Write-Ins	1	0	0	0	1	1	0	0	0	2	5
Blanks	61	115	63	134	73	106	117	85	65	93	912

TRUSTEE OF NEEDHAM PUBLIC LIBRARY (for two years) (Vote for One)

Barbara R. Handel	42	61	34	65	39	39	52	44	57	52	485
Anna Giraldo Kerr	32	74	63	82	58	73	78	65	52	53	630
Scattered Write-Ins	0	0	0	0	0	0	0	1	0	0	1
Blanks	25	38	24	63	23	29	40	24	19	25	310

BOARD OF HEALTH (For three years) (Vote for One)

Stephan K. Epstein	66	125	90	146	86	90	105	94	91	84	977
Scattered Write-Ins	0	0	0	1	0	1	0	0	0	3	5
Blanks	33	48	31	63	34	50	65	40	37	43	444

BOARD OF HEALTH (Vote for NOT MORE THAN TWO)

Christina S. Mathews	70	118	67	118	75	94	105	99	93	86	925
Robert A. Partridge	40	83	50	78	67	68	89	64	77	66	682
Matthew G. Rubin	41	65	50	82	42	42	51	50	39	52	514
Scattered Write-Ins	0	0	0	0	0	0	0	1	0	0	1
Blanks	47	80	75	142	56	78	95	54	47	56	730

PLANNING BOARD (for five years) (Vote for One)

Jeanne S. McKnight	74	120	90	137	96	104	114	91	95	86	1,007
Scattered Write-Ins	0	2	0	1	0	0	0	1	0	1	5
Blanks	25	51	31	72	24	37	56	42	33	43	414

NEEDHAM HOUSING AUTHORITY (for five years) (Vote for One)

Scott M. Brightman	73	127	97	142	89	90	109	92	94	85	998
Scattered Write-Ins	0	0	0	2	0	0	0	3	0	2	7
Blanks	26	46	24	66	31	51	61	39	34	43	421

COMMISSIONER OF TRUST FUNDS (for three years) (Vote for One)

Joseph P. Scalia	69	121	94	143	91	88	106	93	92	80	977
Scattered Write-Ins	0	1	0	1	0	0	0	1	0	2	5
Blanks	30	51	27	66	29	53	64	39	36	48	444

TOWN OFFICES

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	99	173	121	210	120	141	170	134	128	130	1,426

* Not Elected

COMMISSIONER OF TRUST FUNDS (for One Year) (Vote for One)

Daniel Burns	70	121	89	134	86	88	105	89	91	79	952
Scattered Write-Ins	0	0	0	0	0	0	0	0	0	2	2
Blanks	29	52	32	76	34	53	65	45	37	49	472

PARK & RECREATION COMMISSION (for three years) (Vote for Not More Than Two)

Cynthia J. Chaston	76	122	93	149	88	91	113	97	97	93	1,019
Michelle Geddes	68	114	91	132	86	94	106	89	91	82	953
Scattered Write-Ins	0	0	0	1	0	0	0	0	0	2	3
Blanks	54	110	58	138	66	97	121	82	68	83	877

TOWN MEETING MEMBERS**PRECINCT A (For three years) (Vote for Not More Than Eight)**

Lance R. Brown	66	Irwin Silverstein	64
Walter D. Herrick	64	Nina Silverstein	66
John Downey Hotchkiss	62	Write-Ins	
Michael S. Miller	69	Jennifer C. Scheck-Kahn	21
		Sharon P. Serinsky	2

PRECINCT A (For one year) (Vote for One)

Matthew G. Rubin	75
------------------	----

PRECINCT B (For three years)(Vote for Not More Than Eight)

Stuart B. Agler	104	Lori A. Markell	105
William G. Doyle	101	Gerald C. Rovner	111
John J. Frankenthaler	100	Dorothea Von Herder	105
Thomas M. Jacob	112	Christine A. Mawhinney	101

PRECINCT B (For two years) (Vote for One)

Adam J. Block	120	* Carl Matthew Snow	39
---------------	-----	---------------------	----

PRECINCT C (For three years)(Vote for Not More Than Eight)

Carlos Agualimpia	64	Paul David Isenberg	71
Andrea E. Longo Carter	75	R. Cynthia Landau	69
Lois R. Goldberg	70	Lisa W. Zappala	74
John H. Haslip	59	* Ramin Abrishamian	57
		John J. Vincent	64

TOWN MEETING MEMBERS

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	81	119	69	99	93	158	172	144	131	119	1,185

* Not Elected

PRECINCT C (For one year) (Vote for One)

David R. Cox 95

PRECINCT D (For three years)(Vote for Not More Than Eight)

* Reginald C. Foster	60	M. Kathleen Tedoldi	100
Christopher J. Gerstel	81	* Arthur Walitt	47
Joseph J. Leghorn	137	Janet K. Baum	86
* Kurt M. Mullen	72	* Carolyn Kay Breen	62
Aaron M. Pressman	98	Karen L. Calton	91
Evan F. Rauch	141	Robert A. Petit	80

PRECINCT E (For three years)(Vote for Not More Than Eight)

David K. Blakelock	74	Victor Paul Seidel	73
Edward V. Cosgrove III	83	Paul A. Siegenthaler	78
Amy Hurley	73	Keith M. LaFace	74
Ronald W. Ruth	81	Marc R. Rubin	71

PRECINCT F (For three years)(Vote for Not More Than Eight)

Barry J. Coffman	79	Michael L. Verdun	63
Jeffrey D. Heller	79	Write-Ins:	
Leslie A. Kalish	79	Susan C. Kirk	53
Jeanne S. McKnight	96	* Steven Markman	18
William J. Okerman	84	* Robyn E. Glazier	9
Karen N. Price	85	* Devra G. Bailin	3

PRECINCT G (For three years)(Vote for Not More Than Eight)

Peter W. Beacham, Jr.	88	Kenneth B. Freundlich	88
Michael J. Crawford	99	Lakshmi Balachandra	102
John D. Crimmings	112	Colleen O. Beacham	99
Michael A. Distler	90	Robert John Fernandez	97

PRECINCT H (For three years)(Vote for Not More Than Eight)

Ilan Barzilay	90	John A. Kingston	87
Hilary Hanson Bruel	92	Eileen K. Orscheln	89
Michael A. Diener	98	Amy M. Wixon	82
Karen E. Han	92	Write-Ins:	
		Molly Kastory Carter	2

PRECINCT I (For three years)(Vote for Not More Than Eight)

Michael Centola	84	Josephine Ochalla	96
Artie R. Crocker	95	Peter J. Pingitore	89
Claire Dee Ecsedy	87	Anne W. Weinstein	93
Joel S. Golden	81	Kathleen D. Whitney	92

TOWN MEETING MEMBERS

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>TOTAL</u>
Total # of Votes Cast	81	119	69	99	93	158	172	144	131	119	1,185

* Not Elected

PRECINCT I (For two years) (Vote for One)

Write-In:											
Rachel Ann Weinstock				3							2
							Mehran Sadok				

PRECINCT I (For one year) (Vote for One)

Write-In:											
Rachel Ann Weinstock				5							

PRECINCT J (For three years)(Vote for Not More Than Eight)

Robert E. Deutsch	85	Peter Sergey Panov	85
Kevin J. Keane	87	Carol I. Urwitz	80
George F. Kent	88	Write-Ins:	
David P. Montgomery	88	Janice S. Epstein	6
Christopher Mooney	81	* Matthew J. Spengler	4

The ballots cast in the several precincts were returned to the Town Clerk in the sealed containers. The voting lists used at the entrance to the polling place and at the ballot boxes and a copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 10:15 P.M. April 9, 2019.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

RECORD OF THE ANNUAL TOWN MEETING Monday, May 6, 2019

Pursuant to a Warrant issued by the Selectmen February 12, 2019 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Great Hall at the Needham Town Hall, Monday, May 6, 2019, at 7:30 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and 243 voters, including 228 Town Meeting Members, were checked on the list as being present and 23 absent. At the designation of Rev. Nick Morris-Kliment, President of the Needham Interfaith Clergy Association, Rev. Catie Scudera of First Parish in Needham, Unitarian-Universalist, gave the invocation.

The Moderator, Michael K. Fee, called the meeting to order at 7:30 o'clock. Town Meeting Members joined the Moderator in honoring our country by saluting the flag and reciting the pledge of allegiance.

At this time the Moderator recognized the third graders from the Hillside School and their teacher Mrs. Janine Everts who sang "America the Beautiful". Town Meeting Members joined the third graders in pledging allegiance to the flag.

The Moderator declared that a quorum is present and requested the Town Clerk to so record.

The Town Meeting Members were sworn to the faithful performance of their duties by the Town Clerk.

The call to the meeting and the Officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator stated that Town Meeting Members may only sit in the first eleven rows as indicated by the Marshall, Steven Jacques, and as signified by the pylons. He further noted that there are two microphones which must be used for comments from the floor. Tonight, these microphones are being provided to you by Lily Pendergast and Kim Parsons.

The Moderator announced the following ground rules and these were adopted unanimously:

1. Please rise to be recognized and address the Moderator as Chair. When a member is recognized by the Chair, please state your name and precinct clearly so that the Town Clerk may keep accurate records. If for some reason related to a disability a member cannot rise, shout "Mr. Moderator" or raise your hand high to inform the Chair so that appropriate accommodation may be made.
2. Anyone entering or exiting the Hall while we are in session must use care not to disrupt the session, in particular, must not allow the doors to slam.
3. No eating, drinking or smoking is permitted in the hall.

4. No firearms or weapons are permitted in the hall, except by law enforcement personnel.

5. Please silence all cell phones and other electronic devices **Please check this status now!**.

6. No hats may be worn in the hall other than by uniformed personnel or for religious or medical reasons.

7. Members and all attendees must observe our rules of practice and civility. A speaker will be ruled out of order who refers to individuals or personalities or in the judgment of the Moderator, exceeds the bonds of civility. Please remember that we are ONE community and ONE Town Meeting Family with one common goal: the best interests of our town.

8. All commentary, remarks and inquiries must be addressed to the Moderator as Chair.

9. Your attention is drawn to the disclosure required by an attorney employed by one who has an interest in a matter as set forth in Art. I, Sec. 1.8 of the Needham General By-Laws.

10. Blank forms for lengthy motions are available from Town Counsel, Mr. Tobin, and should be employed. If lengthy or complicated motions are not drafted and submitted for review by the Moderator and Town Counsel prior to being placed on the floor, the speaker will yield the floor to another speaker while the drafting and formulation process is underway.

Special Note on zoning articles, Articles 24-28. Zoning is complex and the subject of much effort prior to Town Meeting. As discussed in the Moderator's Memorandum to Town Meeting Members in connection with our Annual Town Meeting, if you contemplate making an amendment to one of these zoning articles, I request that you confer with the Planning Board in advance and address questions or if necessary, work out with them in advance the wording and content of any amendments.

11. Short motions to amend and procedural motions need not be in writing.

12. Parliamentary motions known as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been placed on the floor.

13. Limits on debate shall be enforced by the Moderator.

14. Questions asked for general informational purposes unrelated to the matter under consideration by the meeting shall be ruled out of order.

15. As stated in the Moderator's memorandum to Town Meeting Members in connection with our Annual Town Meeting, inappropriate conduct involving the T.V. coverage or cameras shall be deemed to be out of order and addressed swiftly and definitively by the chair.

16. The Moderator seeks unanimous consent to adopt the following rules of practice concerning debate:

Committee Chairpersons, Proponents of Articles including Citizen Petitioners, Attorneys representing proponents: **(15 Minutes inclusive per article)**

Town Meeting Members, non-Town Meeting Members, visitors other than attorneys: **(5 Minutes all-inclusive per article)**

Rules Concerning Budget Articles

In keeping with our tradition, I also seek your unanimous consent for a rule of procedure and debate for discussion under Article 18, the Fiscal Year 2020 Operating Budget, as well as Articles 19 and 20, the Enterprise Fund Budgets, and Article 37, the consolidated Cash Capital Article. That rule would provide that a motion to amend under these articles which adds funds to a particular line item will not be in order unless the movant identifies another line item or items that will be reduced in order to fund the proposed increase.

Hearing no objection, the Moderator finds unanimous consent that the rules of procedure and practice concerning debate as described by the Moderator are voted and adopted and the Town Clerk will so record.

The Moderator reminded Town Meeting Members of the following amendment to the General By-Laws passed under Article 80 at the 1998 Annual Town Meeting: If two-thirds vote of the Town Meeting is required by statute, a count shall not be taken unless it is deemed necessary by the Moderator in the fulfillment of the duties of the office.

The Moderator announced that there is a flyer on the back table announcing a Night of Music for Suicide Prevention and encouraged Town Meeting Members to pick up a flyer.

The Moderator also reminded Town Meeting Members of the enforcement of a 10 minute break which will be enforced.

The Moderator noted that there are no changes in the main affirmative motions.

The Moderator announced that the proponents no longer have an interest in Articles 4, 5, 6, 28, 29 and 44 and requested unanimous consent to withdraw these articles. Town Meeting Members indicated that there were no objections to the withdrawal of these articles and it was voted unanimously to withdraw Articles 4, 5, 6, 28, 29, and 44.

The Moderator announced that Articles 24, 25, 32, and 51 are subject to motions to amend or other motions from the proponents or for other reasons cannot be passed by unanimous consent.

As in the tradition of the Annual Town Meeting, the Moderator asked unanimous consent to omit the reading of the articles and to refer to them by number only. Any Town Meeting Member who wished to "question" or "debate" should so indicate when the number was called, and those articles not so indicated would be adopted by unanimous consent. There was no objection and the Moderator declared this method to be adopted unanimously.

The Moderator noted that Article 1 was the Annual Town Election and has already been disposed of and there are no Committee reports under Article 2. The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 3. No Town Meeting Members responded with "question" or "debate" to Articles 3, 8, 9, 10, 14, 16, 19, 20, 21, 22, 23, 31, 33, 35, 39, 40, 41, 43, 45, 46, 47, and 48. The Moderator then called each of the above-mentioned

articles by number and no objection was heard to adoption by unanimous consent. It was so unanimously voted and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2019, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$86,304
Town Clerk with 6 years of service in that position	\$106,800 (1)
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$8,544, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$66,374. The annual salary of \$106,800 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$11,091. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$15,527; or take any other action relative thereto.

Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

The annual stipends for the members of the Select Board have remained unchanged since 1977.

MOVED: That the town vote to fix the compensation of the following elected officers of the Town as of July 1, 2019, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$86,304
Town Clerk with 6 years of service in that position	\$106,800 (1)

that position	
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (2) In addition, such compensation shall also include payment of longevity in the amount of \$8,544, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$66,374. The annual salary of \$106,800 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$11,091. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$15,527; or take any other action relative thereto.

ACTION: So voted by unanimous consent.

ARTICLE 8: APPROPRIATE FOR SENIOR CORPS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: The Senior Corps is a program in which qualified elderly and disabled property owners may work up to 100 hours for the Town. In turn, individuals are paid up to \$1,200 per year (calendar year 2019), which is applied to their property tax bills.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus.

ACTION: So voted by unanimous consent.

ARTICLE 9: APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$125,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 10: APPROPRIATE FOR TEMPORARY STAFFING PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$76,000 for the purpose of funding a temporary staffing program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: The purpose of this appropriation is to establish a source of funding for temporary staffing needs across General Government departments. With the current unemployment rate at 3.8%, the Town is in a tight job market. Current employees have many options, and qualified potential applicants are in short supply. This program will allow the Town to work directly with temporary staffing agencies to address staffing needs as they occur – due to unexpected or difficult to fill vacancies. This program will allow departments to continue to operate efficiently as they work to find a permanent replacement. Temporary staffing requests will be evaluated based on the operational needs of the department and duration of the assignment.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$76,000 for the purpose of funding a temporary staffing program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 14: APPROPRIATE FOR TOWN-OWNED LAND SURVEYS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for a survey of Town-owned lands, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: Over the past 300 years, the Town has acquired land that has never been surveyed. In recent years, when the Town has begun the design process for construction on such parcels, survey data has been unavailable or incorrect, resulting in delays and added cost to projects. This funding will allow the Town to conduct land surveys, including title research, field work, analysis, installation of bounds or markers, drafting work, and recording of completed plans. This is a multi-year program in the amount of \$100,000 per year. Unless circumstances dictate otherwise, FY2020 funding is proposed for survey work at Claxton Field, Pollard School, the Boat Launch, Cooks Bridge, and Mills Field.

MOVED: that the Town vote to raise and/or transfer and appropriate the sum of \$100,000 for a survey of Town-owned

lands, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 16: APPROPRIATE FOR DOWNTOWN SNOW REMOVAL PILOT PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for the purpose of funding the Downtown Snow Removal Pilot Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: This funding will support a pilot program for removal of snow and ice in the Downtown Business District.

Currently, the Town deploys a hand crew with shovels and snow blowers to remove snow from handicapped ramps, pinch points (areas that are too narrow to use sidewalk tractors), and designated alleyways. The piece of equipment to be purchased is smaller in width and more maneuverable than a traditional sidewalk tractor. It is a ride-on piece of equipment that enables the operator to push through and relocate snow as it goes through difficult snow banks, faster than a push-behind snow blower.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$35,000 for the purpose of funding the Downtown Snow Removal Pilot Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus.

ACTION: So voted by unanimous consent.

ARTICLE 19: APPROPRIATE THE FY2020 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2020, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise FY2020

Line #	Description	FY2018		FY2019		FY2020		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$916,696	11.0	\$978,169	11.0	\$1,028,667	11.0	
201B	Expenses	\$415,773		\$439,727		\$451,947		
201C	Capital Outlay	\$43,646		\$50,000		\$50,000		
201D	MWRA Assessment	\$5,889,796		\$6,173,219		\$6,460,637		
201E	Debt Service	\$980,086		\$1,500,000		\$900,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,245,997	11.0	\$9,176,115	11.0	\$8,926,251	11.0	
FY2020 Budget Percentage Change from FY2019 Budget							-2.7%	

and to meet this appropriation that \$8,395,784 be raised from Sewer Enterprise Fund receipts, and that \$530,467 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

Article Information: This article funds the operation of the Town's sanitary sewer system. The Town's sewage collection system consists of more than 130 miles of collector and interceptor sewers, 3,958 sewer manholes, and nine sewer pump stations. The Town's sewer system is a collection system that discharges its wastewater to the Massachusetts Water Resources Authority (MWRA) system for treatment. Approximately 65% of the Town's sewer collection system is a gravity-only system, and 35% of the sewer system is pumped into the gravity system. Needham has two principal points of discharge into the MWRA system and nine other public locations where subdivisions discharge to the MWRA system. Personnel maintain and operate 22 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in nine pumping facilities located throughout Town.

The Division also oversees the collection and transportation of stormwater (drains program) originating from rain and snow storms for discharge into streams, brooks, rivers, ponds, lakes, flood plains and wetlands throughout Town. Stormwater and associated discharges are now considered by the Federal government as potentially contaminated, and have come under increasingly severe discharge performance standards. The intention is to reduce or eliminate contaminants contained in the flow washed from ground surfaces considered to be harmful to the environment. The Town's drainage infrastructure consists of approximately 90 miles of various size drainage pipes, 4,225 catch basins, 1,392 drainage manholes, and 295 drainage discharges.

The Sewer Enterprise Fund budget includes the costs of the drains program because the daily work is performed by Enterprise Fund staff. However, the costs not associated with sewer operations are funded by taxation and not by sewer use fees. The table below provides a breakout between the sewer operations and the drains program to compare the budget change in the two operations from the current year.

Budget Line	FY2020 Sewer Operations	FY2020 Drains Program	FY2020 Recommended Budget	FY2019 Sewer Operations	FY2019 Drains Program	Current FY2019 Sewer Budget
Salary & Wages	\$662,279	\$366,388	\$1,028,667	\$634,833	\$343,336	\$978,169
Expenses	\$287,868	\$164,079	\$451,947	\$278,313	\$161,414	\$439,727
Capital Outlay	\$50,000	\$0	\$50,000	\$50,000	\$0	\$50,000
MWRA Assessment	\$6,460,637	\$0	\$6,460,637	\$6,173,219	\$0	\$6,173,219
Debt Service	\$900,000	\$0	\$900,000	\$1,500,000	\$0	\$1,500,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,395,784	\$530,467	\$8,926,251	\$8,671,365	\$504,750	\$9,176,115
	FY2020 Sewer Operations \$ Change	FY2020 Drains Operations \$ Change	FY2020 Sewer Enterprise \$ Change	FY2020 Sewer Operations % Change	FY2020 Drains Operations % Change	FY2020 Sewer Enterprise % Change
Salary & Wages	\$27,446	\$23,052	\$50,498	4.3%	6.7%	5.2%
Expenses	\$9,555	\$2,665	\$12,220	3.4%	1.7%	2.8%
Capital Outlay	\$0	\$0	\$0	0.0%		0.0%
MWRA Assessment	\$287,418	\$0	\$287,418	4.7%		4.7%
Debt Service	-\$600,000	\$0	-\$600,000	-40.0%		-40.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	-\$275,581	\$25,717	-\$249,864	-3.2%	5.1%	-2.7%

The total operating budget of \$8,926,251 for FY2020 is \$249,864 less than the current FY2019 budget, a decrease of 2.7%. The decrease is due to a \$600,000 reduction in the sewer debt service line. This is a temporary decrease. The Town has several large scale utility infrastructure projects pending which will impact the enterprise debt budgets in the out years, in keeping with the overall capital infrastructure-funding plan for long term investments. The reduction in the debt service budget was partially offset by increases in the sewer operational expenses. The FY2020 drains operations portion of the budget is \$25,717 (5.1%) more than the current year.

The FY2020 sewer operations portion of the budget is \$275,581 lower, a decrease of 3.2% over the current year. As noted above, the decrease is due to the debt service budget. The \$6,460,637 MWRA preliminary assessment for FY2020 is \$287,418 more than the current appropriation, a 4.7% increase. The final assessment from the MWRA will be affected by the amount of sewer rate relief that is provided to the Authority by the Commonwealth, which will not be known until after the budget is voted by the Legislature and approved by the Governor.

The total salary and wages line is \$1,028,667 for FY2020, an increase of \$50,498 (5.2%). The sewer division has 11 full-time employees all of whom are members of the NIPEA union. The budget includes step and longevity increases for all the employees who are members of the union, based on the collective bargaining agreement with this group for FY2020, which was approved by Town Meeting.

The total expense line for FY2020 is \$451,947 which is \$12,220 or 2.8% more than the current year. The largest of the expense increase (\$9,319) is for the energy - electric and natural gas - used to operate the various sewer pump stations. The estimated cost for street sweeping, and the collection and disposal of catch basin and street sweeping debris is \$3,312 higher than the current year. There is an increase in vehicle-related expenses (fuel) of \$1,862. The annual sewer flow meter maintenance expense is anticipated to increase by \$875. These increases were offset in part by budget decreases for repair and maintenance contracts (\$2,743) and various supplies (\$405).

The operating capital line is level funded at \$50,000 for FY2020. This budget line pays for grinder replacements and allows the department to continue its annual allocation for sewer pump and small power equipment replacement. The plan for FY2020 is the replacement of one pump at the Great Plain Pump Station and replacement of a grinder at the Reservoir B Pump Station.

The reserve fund is level dollar for FY2020. The budget plan for FY2020 includes a \$530,467 transfer from the tax levy to pay for drains-related programs; this is an increase of \$25,717 from FY2019.

The Sewer Enterprise Fund also reimburses the general fund for costs incurred and paid by General Fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Sewer Enterprise Fund budget is a self-supporting account. Sewer user fees and charges cover the cost of the sewer operations and the general fund payment supports the drains program.

MOVED: That the Town vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2020, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise**FY2020**

Line #	Description	FY2018		FY2019		FY2020		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$916,696	11.0	\$978,169	11.0	\$1,028,667	11.0	
201B	Expenses	\$415,773		\$439,727		\$451,947		
201C	Capital Outlay	\$43,646		\$50,000		\$50,000		
201D	MWRA Assessment	\$5,889,796		\$6,173,219		\$6,460,637		
201E	Debt Service	\$980,086		\$1,500,000		\$900,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,245,997	11.0	\$9,176,115	11.0	\$8,926,251	11.0	
FY2020 Budget Percentage Change from FY2019 Budget								-2.7%

and to meet this appropriation that \$8,395,784 be raised from Sewer Enterprise Fund receipts, and that \$530,467 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund.

ACTION: So voted by unanimous consent.

ARTICLE 20: APPROPRIATE THE FY2020 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2020, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise**FY2020**

Line #	Description	FY2018		FY2019		FY2020		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,249,859	17.0	\$1,272,879	17.0	\$1,331,359	17.0	
301B	Expenses	\$1,013,144		\$1,137,563		\$1,209,762		
301C	Capital Outlay	\$23,092		\$20,000		\$15,000		
301D	MWRA Assessment	\$1,109,794		\$856,049		\$1,413,150		
301E	Debt Service	\$1,404,398		\$1,550,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,800,287	17.0	\$4,911,491	17.0	\$5,294,271	17.0	
FY2020 Budget Percentage Change from FY2019 Budget								7.8%

and to meet this appropriation that said sum be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

Article Information: This article funds the Town's water system. The Town's water distribution system is a single service pressure zone system supplied by two sources. The Town's primary source of water is the Charles River Well Field which is able to produce up to 4.6 million gallons of water per day (the Town is registered for approximately 2.63 million gallons of water per day). The Charles River Well Field consists of three groundwater-pumping stations. Needham's second water source is a connection to the Massachusetts Water Resources Authority (MWRA) surface water supply originating at the Quabbin Reservoir and delivered through the Metrowest Tunnel and the Hultman Aqueduct. This water is pumped into the Needham system at the St. Mary's Pumping Station. This supply is used when the Town's demand for water is greater than the local supply, and serves as a backup should the Town's wells need to be taken off-line. Water Division staff operate the water treatment plant and also operate, maintain, and repair the Town-wide water distribution system. The system is comprised of more than 143.5 miles of water mains, 1,344 public and private hydrants, 3,231 water gate valves, and 10,069 water service connections. This system supports approximately 14,545 installed meters.

The overall operating budget for FY2020 is \$5,294,271 or \$382,780 (7.8%) more than the FY2019 budget. The increase is the result of a much higher MWRA assessment for the Town's use of water. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the FY2020 water assessment is based on CY2018 water use. The Town's use of MWRA water was up approximately 59% from the prior year. The preliminary water assessment for FY2020 is \$557,101 (65.1%) more than the appropriation for this year. The final assessment from the MWRA is not expected until the end of the State budget process.

Water Production	CY2016	CY2017	CY2018
Water Production*	1,217.3	1,166.4	1,308.3
Water Production from MWRA	327.1	225.9	358.5
Water Production from Town Wells	890.2	940.5	949.8
Percentage from MWRA	26.9%	19.4%	27.4%
*millions of gallons			
Water meters replaced	1,348	1,315	1,454
Percentage of the total number of water meters in place for that year	9.3%	9.0%	10.0%

The FY2020 salary and wage line is \$1,331,359, an increase of \$58,480 (4.6%) over the current budget. The Water Enterprise has 17 full-time employees of whom 13 are unionized. Twelve employees are members of the NIPEA union and one employee is a member of the ITWA union. The budget includes step and longevity increases for employees who are members of the two unions based on the collective bargaining agreements with the two groups for FY2020. The budget also includes funding for non-union personnel.

The water expense line of \$1,209,762 is \$72,199 higher than the FY2019 budget, approximately 6.4% more. Approximately 58% of that increase (\$41,780) is for electricity and natural gas services to operate the water treatment plant, water pump stations, and the two water tanks. The cost for supplies and materials is \$16,819 more than the current, a 3.2% increase. This includes the purchase of supplies for the water building facilities, water department vehicles and equipment, employee uniforms, drinking water treatment chemicals, and various water parts for water mains, meters, and connections. Professional and technical services increased by \$8,100 (9.3%) due to higher costs for water quality sampling, water cross connection survey and testing at larger facilities which requires the use of outside contractors due to time, access, size, and complexity constraints, and software upgrades. The cost was offset in part by the one-time expense for the Dunster and Bird Hill water tank inspections and testing that was budgeted for FY2019. Tree and brush clearing expenses are \$5,500 more for FY2020 than FY2019. This cost includes the clearing of fire roads for emergency response at the water treatment plant.

The operating capital expense is \$5,000 less than the current year. The planned expenses are the replacement of two filter influent valves at the water treatment plant which are original and are recommended to be replaced every 15 years.

Similar to the Sewer Enterprise, the water debt service line has been reduced for FY2020. The \$300,000 decrease represents a 19.4% reduction. The water infrastructure demands will impact the debt budget in the out years. The water reserve fund is level dollar for FY2020.

The Water Enterprise Fund also reimburses the general fund for costs incurred and paid by general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Water Enterprise Fund budget is a self-supporting account. Water user fees and charges cover the entire cost of operations.

MOVED: That the Town vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2020, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise

FY2020

Line #	Description	FY2018		FY2019		FY2020		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,249,859	17.0	\$1,272,879	17.0	\$1,331,359	17.0	
301B	Expenses	\$1,013,144		\$1,137,563		\$1,209,762		
301C	Capital Outlay	\$23,092		\$20,000		\$15,000		
301D	MWRA Assessment	\$1,109,794		\$856,049		\$1,413,150		
301E	Debt Service	\$1,404,398		\$1,550,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,800,287	17.0	\$4,911,491	17.0	\$5,294,271	17.0	
FY2020 Budget Percentage Change from FY2019 Budget								7.8%

and to meet this appropriation that said sum be raised from Water Enterprise Fund receipts.

ACTION: So voted by unanimous consent.

ARTICLE 21: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2020 beginning on July 1, 2019 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2020 Limit	Spending
Home Composting	Department of Public Works	\$3,000	
Immunization Program	Health and Human Services Department	\$25,000	
Memorial Park Activities	Memorial Park Trustees	\$4,100	
Needham Transportation	Health and Human Services Department	\$60,000	
Public Facility Use	Department of Public Works	\$250,000	
School Transportation	School Committee	\$819,000	
Traveling Meals	Health and Human Services Department	\$75,000	
Tree Replacement	Department of Public Works	\$25,000	
Water Conservation	Department of Public Works	\$10,000	
Youth Services Programs	Health and Human Services Department	\$25,000	
Aging Services Programs	Health and Human Services Department	\$90,000	

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

MOVED: That the Town vote to fix the maximum amount that may be spent during fiscal year 2020 beginning on July 1, 2019 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½:

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2020 Limit	Spending
Home Composting	Department of Public Works	\$3,000	
Immunization Program	Health and Human Services Department	\$25,000	
Memorial Park Activities	Memorial Park Trustees	\$4,100	
Needham Transportation	Health and Human Services Department	\$60,000	
Public Facility Use	Department of Public Works	\$250,000	
School Transportation	School Committee	\$819,000	
Traveling Meals	Health and Human Services Department	\$75,000	
Tree Replacement	Department of Public Works	\$25,000	
Water Conservation	Department of Public Works	\$10,000	
Youth Services Programs	Health and Human Services Department	\$25,000	
Aging Services Programs	Health and Human Services Department	\$90,000	

ACTION: So voted by unanimous consent.

ARTICLE 22: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the sum of \$12,477.50 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager; or take any other action relative thereto.

Article Information: Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to

the operation of transportation network services in the city or town. Funding for Transportation Improvements in FY2020 will be allocated to bicycle safety initiatives, unless circumstances require otherwise.

MOVED: That the Town vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the sum of \$12,477.50 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager.

ACTION: So voted by unanimous consent.

ARTICLE 23: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town ways

and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required in order for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary FY2020 Chapter 90 allocation for the Town is \$920,152. Unless circumstances require otherwise, the FY2020 Chapter 90 allocation will be directed to the design of the second phase of the downtown design improvement project.

MOVED: That the Town vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation.

ACTION: So voted by unanimous consent.

ARTICLE 31: APPROPRIATE FOR FISHER STREET TRAILHEAD DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the Fisher Street Trailhead design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve; or take any other action relative thereto.

Article Information: The requested funding will support the design of a trailhead for the 1.3 mile Needham Rail Trail that runs from the Charles River to the Town Forest at High Rock Street. The proposed trailhead includes a driveway, parking area, wood rail fence/guardrail, landscaping, benches, signage, and interpretive elements. The addition of parking and associated amenities will increase and improve public access to this recreational asset.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$15,000 for the Fisher Street Trailhead design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve.

Action: so voted by unanimous consent.

ARTICLE 39: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$831,487 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$201,487	
Sewer	Sewer Pump Station (Lake Drive)	\$630,000	

ARTICLE 33: APPROPRIATE FOR ROSEMARY LAKE TRAIL PROJECT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$200,000 for the Rosemary Lake Trail project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 General Fund Reserve; or take any other action relative thereto.

Article Information: The Rosemary Lake Trail Project includes improvements to lake access and trails. The funding would allow the Town to replace the more than 30 year old dock at Rosemary Lake with one that can be used for canoes, kayaks, and paddle boats. In addition, on the camp property side of the Lake, a picnic pavilion will be installed after the existing buildings are demolished to make the trail more attractive and useful to the public.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$200,000 for the Rosemary Lake Trail project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 General Fund Reserve.

ACTION: So voted by unanimous consent.

ARTICLE 35: APPROPRIATE FOR PLAYGROUND IMPROVEMENTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$350,000 for playground improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve; or take any other action relative thereto.

Article Information: This article is part of the Park & Recreation Commission's overall plan to improve playgrounds through the Town. This funding would add handicap accessible features at Greene's Field and Cricket Field, and begin the addition of poured-in-place pathways at other playgrounds.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$350,000 for playground improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve.

ACTION: So voted by unanimous consent.

Group	Description	Recommended	Amendment
		\$831,487	

Article Information:Sewer Pump Station Improvements

The Town maintains nine sewer pump stations at elevations below the gravity system. Without these stations, sewage would not enter the Town's sewerage system at these locations. This project will fund the design and engineering of the replacement of the Lake Drive pump station. The pump station at this location is beyond its useful life and requires constant maintenance. The pumps are failing more frequently due to electrical or mechanical issues and require more personnel time and emergency funds to keep the station running. The plan is to replace the existing canister pump station with a new canister pump station.

Sewer Fleet Replacement – Specialized Equipment

Unit	Division	Year	Replacement	Amount
35	Sewer/DPW	1999	Catch Basin Cleaner to be replaced in kind.	\$201,487

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$831,487 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings.

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$201,487	
Sewer	Sewer Pump Station (Lake Drive)	\$630,000	
		\$831,487	

ACTION: So voted by unanimous consent.

ARTICLE 40: APPROPRIATE FOR WASTEWATER SYSTEM REHABILITATION

To see if the Town will vote to raise, appropriate and/or transfer the sum of \$1,600,000 for sewer system rehabilitation, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$800,000 be transferred from Sewer Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$800,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved

by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

Article Information: The Town recently completed a study identifying priority areas for inflow and infiltration removal for the next ten years. The Town of Needham, along with numerous other communities, is under Administrative Orders from the Department of Environmental Protection (DEP) to identify and remove Infiltration and Inflow (I/I) in existing sewer systems. Infiltration is defined as groundwater or storm water runoff that enters the system through deteriorated pipe or manhole structures that need to be repaired. Inflow is defined as clean, non-septic water, which is introduced to the system. This water is generally produced by residential sump pumps that drain basements. Unless circumstances require otherwise, this funding will support the design of the removal of the remaining locations of identified infiltration in the system by methods including replacing sewer manholes, lining sewer mains, replacing sewer mains and services, and testing and sealing joints.

MOVED: That the Town vote to raise, appropriate and/or transfer the sum of \$1,600,000 for sewer system rehabilitation, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$800,000 be transferred from Sewer Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$800,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of

the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: So voted by unanimous consent.

ARTICLE 41: APPROPRIATE FOR WATER DISTRIBUTION SYSTEM IMPROVEMENTS

To see if the Town will vote to raise, appropriate and/or transfer the sum of \$4,791,500 for Water Distribution System Improvements, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$291,500 be transferred from Water Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$4,500,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

Article Information:

Water System Rehabilitation

Through the Water System Rehabilitation Program, the Town's water infrastructure is continually evaluated to assess functionality and performance, and to identify areas in need of repair. Water infrastructure requires ongoing attention and periodic replacement, and portions of the Town's water infrastructure are 75+ years old and approaching the end of their useful life. A diligent rehabilitation program encompassing maintenance, repair, and replacement ensures a continual supply of water to the public. The Department of Public Works prioritizes replacement of water pipes based upon pipe condition, water break history, and adequacy of water flow to fire hydrants. Unless circumstances require otherwise, the FY2020 funding will support the replacement of water mains on Bennington Street from High Street to Concord Street, Country Way, and Alder Book Lane, and the design of water main replacement under Rosemary Lake.

Failing Lined Water Main Replacement

The existing water line dates from 1936-1939 and is cast iron with bitumastic or coal tar liner. The lining of these pipes breaks down over time, causing discoloration in the water and concern for the water quality in the areas serviced by this line. The Town began addressing this issue in 2008, when there was approximately 19,000 linear feet of piping in need of replacement. This funding will complete the project and replace the remainder of existing pipe – 5,500 linear feet of 14" water main – with a new 16" water main on Central Avenue from the intersection of Pine Street, and Marked Tree Road to High Rock Street. This project will include replacing the pipe and reconstruction of the road.

MOVED: that the Town will vote to raise, appropriate and/or transfer the sum of \$4,791,500 for Water Distribution System Improvements, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$291,500 be transferred from Water Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$4,500,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: So voted by unanimous consent.

ARTICLE 43: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$166,612 to the Capital Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Explanation: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2004 Annual Town Meeting under Article 58 approved the creation of Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital item(s) at times when ordinary funding sources are limited or not available. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The recommended appropriation is equal to the amount that the Town received from the sale of surplus equipment during FY2018. This was one of the sources identified to be contributed to the fund. The balance in the fund as of March 29, 2019 was \$904,737.

MOVED: That the Town vote to raise, and/or transfer and appropriate the sum of \$166,612 to the Capital Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 45: APPROPRIATE FOR WORKERS COMPENSATION RESERVE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$283,706 to the Workers Compensation Reserve Fund, said sum to be transferred from Free Cash; or take any other action relative thereto.

Article Information: The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balance in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The balance in the Reserve as of December 31, 2018 was \$525,014.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$283,706 to the Workers Compensation Reserve Fund, said sum to be transferred from Free Cash.

ACTION: So voted by unanimous consent.

ARTICLE 46: AMEND GENERAL BY-LAW/SELECT BOARD

To see if the Town will vote to amend its General By-laws by deleting where ever they appear the word "Selectmen" and the term "Board of Selectmen" and replacing them with the term "Select Board" except in Section 1.9 where the word "Selectmen" be replaced by the term "Select Board Members"; or take any other action relative thereto.

Article Information: The 2018 Annual Town Meeting approved a home rule petition to change the title of the Board of Selectmen to "Select Board." Chapter 341 of the Acts of 2018 changed the title in the entire Town Charter. Town Meeting action is needed to change the terms "Selectmen" and "Board of Selectmen" where they appear in the General By-Laws of the Town.

MOVED: That the Town vote to amend its General By-laws by deleting where ever they appear the word "Selectmen" and the term "Board of Selectmen" and replacing them with the term "Select Board" except in Section 1.9 where the word "Selectmen" be replaced by the term "Select Board Members".

ACTION: So voted by unanimous consent.

ARTICLE 47: AMEND GENERAL BY-LAW/ELECTION OF OFFICERS

To see if the Town will vote to amend the General By-Laws by deleting Section 1.9 (k) and inserting in place thereof the following: "(k) Five members of the Board of Health for a term of three years."; or take any other action relative thereto.

Article Information: The 2018 Annual Town Meeting approved a home rule petition to change the number of members of the Board of Health from three to five. Chapter 341 of the Acts of 2018 changed the composition of the Board of Health in the Town Charter. Town Meeting action is required to make the same change to the General By-Laws of the Town.

MOVED: That the Town vote to amend the General By-Laws by deleting Section 1.9 (k) and inserting in place thereof the following: "(k) Five members of the Board of Health for a term of three years.".

ACTION: So voted by unanimous consent.

ARTICLE 48: EXTINGUISH SEWER EASEMENT

To see if the town will vote to authorize the Select Board to extinguish a sewer and drain easement from Greendale Avenue to the Route 128 Right-of-Way; more fully described in an order of taking number 1959-4, dated July 14, 1959 and recorded at the Norfolk County Registry of Deeds in Book 3743, Page 551; or take any other action relative thereto.

Article Information: The developer of Modera Needham received a Comprehensive Permit issued by the Zoning Board of Appeals to

allow the development of its project on Greendale Avenue. After the developer relocated the Town's sewer line at its expense, the Select Board authorized the developer to encroach on the existing sewer easement to construct the facility. This action by Town Meeting is required to authorize the Select Board to extinguish the existing sewer easement as it is no longer needed.

MOVED: That the Town vote to authorize the Select Board to extinguish a sewer and drain easement from Greendale Avenue to the Route 128 Right-of-Way; more fully described in an order of taking number 1959-4, dated July 14, 1959 and recorded at the Norfolk County Registry of Deeds in Book 3743, Page 551.

ACTION: So voted by unanimous consent.

At this time the Moderator proceeded with the remaining articles in the warrant.

ARTICLE 2: COMMITTEE AND OFFICER REPORTS

To hear and act on the reports of Town Officers and Committees.

The Moderator stated that there are no reports of Town Officers and Committees and declared this article disposed of.

Article 3 was adopted by unanimous consent earlier this evening (Monday, May 6, 2019).

ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION

To see if the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

MOVED: That the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

Article 4 was withdrawn earlier this evening (May 6, 2019).

ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification,

Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

MOVED: That the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

Article 5 was withdrawn earlier this evening (May 6, 2019).

ARTICLE 6: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

MOVED: That the Town vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020.

Article 6 was withdrawn earlier this evening (May 6, 2019).

ARTICLE 7: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$37,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

Article Information: The Property Tax Assistance Program provides assistance to elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The ultimate goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$10,026 in fiscal year 2018.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$37,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus.

Mr. Matthew D. Borrelli, Member, addressed this proposal on behalf of the Select Board. He explained that this article provides assistance to the elderly and disabled taxpayers. The Select Board unanimously supports this article.

Mr. Richard J. Lunetta, Member, addressed this proposal on behalf of the Finance Committee. He noted that this proposal helps seniors and disabled taxpayers with their Real Estate Taxes. The Finance Committee unanimously supports this article.

Ms. Elizabeth P. Handler encouraged Town Meeting Members to add a little donation to the little envelope that comes with the Real Estate bill. Jeanne S. McKnight suggested adding \$125 to the little envelope every year.

ACTION: The main motion was presented and carried by unanimous vote.

Article 8 was adopted by unanimous consent earlier this evening (Monday, May 6, 2019).

Article 9 was adopted by unanimous consent earlier this evening (Monday, May 6, 2019).

Article 10 was adopted by unanimous consent earlier this evening (Monday, May 6, 2019).

ARTICLE 11: APPROPRIATE FOR PARK & RECREATION POOL STAFFING

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$69,419 for the purpose of funding Rosemary Pool staffing, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Article Information: The opportunity to increase the season at the new Pools at Rosemary Recreation Complex is a high priority for both the Park & Recreation Commission and the Select Board. The requested funding will allow the Department to hire a part-time pool specialist and additional seasonal pool staff, and create a lifeguard retention program to expand the season in some capacity from Memorial Day to Labor Day. The expanded pool season initiative will be evaluated and, if successful, the Department will recommend that funding be included in the annual operating budget to support the program in the future.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$69,419 for the purpose of funding Rosemary Pool staffing, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

Mr. John A. Bulian, Chair, addressed this proposal on behalf of the Select Board. He explained that due to demand, the Park and Recreation Department is trying to expand the pool season. If the initiative is successful, funding for future years would be included in the operating budget. The Select Board unanimously supports this article.

Christopher J. Gerstel, Chair, addressed this proposal on behalf of the Park and Recreation Commission. He explained that this article would allow 4 additional lifeguards, longer hours and a part time pool specialist.

Mr. Thomas M. Jacob, member, addressed this proposal on behalf of the Finance Committee. He noted that the Finance Committee recommends adoption of this article.

In response to an inquiry from Steven M. Rosenstock, Mr. Bulian advised that 723 families, 40 adults, and 85 seniors have signed up for Rosemary Pool.

Mr. Jacob noted that the funding is needed to cover a longer season and additional hours.

ACTION: The main motion was presented and carried by majority vote declared by the Moderator.

ARTICLE 12: APPROPRIATE FOR PUBLIC COMMUNICATIONS STAFFING

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$128,417 for the purpose of funding a Public Information Officer, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Article Information: This appropriation would allow the Town to hire a Public Information Officer to direct the implementation of an integrated communications strategy for the Town. The PIO would work with individual boards and committees to gain understanding of their communications needs, provide ideas and recommendations, and implement those that are determined to be appropriate. The PIO would promote citizen participation in public events and solicit input on decision making through online marketing efforts; develop and implement on-line and mobile-based methods for receiving feedback from residents; promote the use of video through the Town's public access and other media; gather feedback on the functionality of the Town's website, make any changes that are deemed necessary, and expand information provided on the official website; coordinate the Town's social media and outreach accounts, ensuring compliance with established guidelines and consistency in messaging; and monitor both internal and external social media accounts and provide accurate information as required, directing the public to official Town sources. This article would fund a two year program for a part-time PIO.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$128,417 for the purpose of funding a Public Information Officer, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy.

Ms. Marianne B. Cooley, Member, addressed this proposal on behalf of the Select Board. She presented a graph depicting the need for a Public Information Officer to work with boards and committees to gain knowledge of their communication needs. This article would fund a two-year program for a part time individual. The Select Board unanimously supports this article.

Mr. Barry J. Coffman, Chair, addressed this proposal on behalf of the Finance Committee. He noted that the Finance does not recommend adoption of Article 12.

In response to an inquiry from Carol I. Urwitz, Marianne B. Cooley requests a response from the Town Manager. The Moderator asked for and received unanimous consent to allow Kate Fitzpatrick, non-resident and Town Manager, to address

Town Meeting. Ms. Fitzpatrick explained that the rate of pay for this position was calculated on similar municipal positions.

Karen N. Price rose in support of this article. She indicated that the Town website is the gateway to Needham.

Mary E. Keane-Hazzard rose in support of this article. She noted that she has worked in communications for Boston University for 25 years and that tonight's remarks are on track.

After a brief discussion, Ilan Barzilay offered a motion to move the previous question. The motion, which requires a two-thirds vote, was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt. The following Town Meeting Members were sworn in as tellers by the Moderator: Richard S. Creem, Cynthia J. Wolfe, Heinz R. Brinkhaus, Thomas M. Harkins, Jane B. Murphy, and Robert J. Dermody. The motion was presented again and passed by a count of hands. The hand count was Yes 186 – No 26.

ACTION: The main motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt. The motion was presented for the third time and passed by a count of hands. The hand count was Yes 151 – No 64.

ARTICLE 13: APPROPRIATE FOR RIDGE HILL/NIKE SITE CONSULTING & FEASIBILITY STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the development of re-use plans for Ridge Hill and the NIKE site, and for a feasibility study for the demolition of structures at Ridge Hill, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: This funding will support the further development of re-use plans for the Ridge Hill and the NIKE Site, including identification of the size and type of potential uses and roadway infrastructure. The work will build on the environmental assessment conducted in FY2018 that identified specific locations on the property that can be developed. The funding will also support the assessment, engineering and planning for the demolition of structures on the site.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the development of re-use plans for Ridge Hill and the NIKE site, and for a feasibility study for the demolition of structures at Ridge Hill, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

Mr. John A. Bulian, Chair, addressed this article on behalf of the Select Board. He explained that this article will develop options for the site. He also noted that bringing the building up to code would cost the town millions. The Select Board unanimously recommends adoption of Article 13.

Carol A. Fachetti, member, address this proposal on behalf of the Finance Committee. She noted that this \$50,000 study would build on the work begun by Weston & Sampson. The Finance Committee unanimously recommends adoption of Article 13.

A motion to amend was offered by Susan Welby to add the words "preservation or" after the words "feasibility study for". Ms. Welby noted that Ridge Hill was the home of weddings, parties and many events.

In response to an inquiry from Jeanne S. McKnight, Mr. Bulian noted that any work regarding this proposal would be in conjunction with the Conservation Commission. He advised that the Select Board is opposed to the amendment.

Mr. Robert J. Dermody rose in support of the amendment and questioned how much of the \$50,000 would go toward demolition and why was the building let go to waste. Mr. Bulian noted that \$25,000 is earmarked for demolition. He also noted that there was not enough money to do both a study of the demolition and a re-evaluation.

Doug Fox asked if there was someone in the Hall from the Historical Commission. Jeffrey D. Heller, member, advised that the Historical Commission voted not to retain the building as it has no historical value.

In response to an inquiry from Ronald W. Ruth regarding the purpose of the possible roadway, Mr. Bulian advised that the Select Board has been in conversation with the Conservation Commission and they are in support of a roadway which would create a better traffic flow. These studies would help determine the future use of Ridge Hill.

Mr. Jeffrey D. Heller rose in support of this article. He stated that it is an underused asset.

Mr. Ronald W. Ruth expressed concern that no one has voted on this issue and asked if anyone from the Conservation Commission was in the hall. There was no one from the Conservation Commission available to address this article tonight. Mr. Bulian stated that this is not an article to build a road.

Mr. Paul S. Alpert stated that as a Pine Street resident he does not want to see additional traffic on Pine Street so he would be in favor of a road. However he, as a former member of the Conservation Commission, has always been opposed to a road across the Ridge Hill property. Thus he rose in opposition to this article.

After a brief discussion, Ford Peckham offered a motion to move the previous question. The motion was presented and passed by the required two-thirds vote declared by the Moderator.

Ms. Welby's motion to amend was presented, but the motion failed on a voice vote declared by the Moderator.

ACTION: The main motion was presented, but the Moderator was in doubt. The motion was again presented and the Moderator was still in doubt. The motion, which requires a majority vote, was presented for the third time and passed by a count of hands. The hand count was Yes 133 – No 78.

After the break, the Moderator called the meeting back to order. He acknowledged that State Senator Rebecca Rausch was in attendance this evening and expressed his appreciation for her taking time from her busy schedule.

Article 14 was adopted by unanimous consent earlier this evening (Monday, May 6, 2019).

Article 16 was adopted by unanimous consent earlier this evening (Monday, May 6, 2019).

ARTICLE 15: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$640,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$413,000 be transferred from Overlay Surplus and \$227,000 be raised from the Tax Levy; or take any other action relative thereto.

Article Information: This warrant article funds the annual maintenance of public buildings throughout the Town, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and necessary upgrades. Unless circumstances require otherwise, the FY2020 program will fund duct cleaning in the High School, wood floor refinishing at the High School, Mitchell, Hillside, Newman, and High Rock Schools, and the Town Hall, and carpet replacement at the Pollard, Mitchell, and Eliot Schools. At Mitchell, improvements include upgrades to the electrical system, the fire alarm system, and the cafeteria/auditorium, as well as additional insulation in the attic and replacement of walls in two classrooms. Funding will support the design of an acoustical treatment in the gym at the Newman School and splitting of the chimney at the High Rock School.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$640,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$413,000 be transferred from Overlay Surplus and \$227,000 be raised from the Tax Levy.

Mr. Matthew D. Borrelli, member, addressed this proposal and recommended adoption on behalf of the Select Board.

Mr. Barry J. Coffman, Chair, addressed this proposal and recommended adoption on behalf of the Finance Committee. He stated that the Finance Committee recommends future funding through the Operating Budget.

In response to an inquiry from Mr. Steven M. Rosenstock, Mr. Borrelli stated that the floors at the Hillside School are being refinished for building reuse by the Public Safety Department.

In response to an inquiry from Jeanne S. McKnight, the funds are used for the inside of the building. Trees and shrubs are maintained by the DPW.

Matthew D. Borrelli advised John D. Crimmings that some buildings including the Mitchell School still have asbestos.

In response to an inquiry from Paul S. Alpert, Barry J. Coffman advised that the overlay surplus is money held back for uncollected taxes and when those taxes are paid, it becomes available.

ACTION: The main motion was presented and carried by unanimous vote.

ARTICLE 17: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Article Information: The Small Repair Grant Program is being proposed to provide assistance to moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding would be available per residence, and applications will be evaluated and prioritized based on the extent of health and safety problems and the financial need of applicants. The Small Repair Grant Program responds to the findings and recommendations in the Council on Aging and Needham Public Health Division's Assessment of Housing and Transit Options for Needham Seniors which indicated that one of the major barriers to aging in place involves the costliness of modifying existing homes to increase accessibility.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash.

Mr. Daniel P. Matthews, Member, addressed this article on behalf of the Select Board. He stated that this program is modeled after Concord and Sudbury. The Select board unanimously request approval of this program.

John P. Connelly, member, advised that the Finance Committee voted unanimously to request approval of this article. In addition he stated that this proposal was also recommended by the Needham Affordable Housing Trust.

Emily Rose Cooper, Precinct A rose in support of Article 12.

In response to an inquiry from Kimberly Knickle-Tierney, Precinct H, Mr. Matthews advised that the Building Commissioner is working on this, but the town cannot recommend contractors or provide a list of contractors who could perform these projects.

ACTION: The Main motion was presented and carried by unanimous vote.

ARTICLE 18: APPROPRIATE THE FY2020 OPERATING BUDGET

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$2,068,301, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$105,159,

and \$1,185,317 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

Moved: That the Town vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$2,068,301, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$105,159, and \$1,185,317 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose.

Mr. Barry J. Coffman, Chair, Finance Committee, addressed this proposal.

Mr. Coffman stated that as chair of the Finance Committee it is his task to present the FY2020 General Fund Operating Budget. The Finance Committee recommends the adoption of the FY2020 operating budget. This budget is the culmination of several months of work and contributions from many dedicated and hardworking town employees and elected officials. We are fortunate to have them working on our behalf and fortunate to live in a well-managed, fiscally sound town.

As you know, a detailed accounting of this work is represented in the Finance Committee's Annual Report to Town Meeting found on pages 1 through 10 in the Warrant you hold in your hands. I hope everyone has taken the time to review this report. I will not go through it in detail but will simply focus on a few high level items.

The Town's General Fund revenue for FY2020 is estimated to be about \$192mm. This is an increase of 5.4% over FY2019. You can see the components of revenue from the pie chart behind me. The largest revenue component is Property Taxes which for FY2020 is estimated to be \$152.5mm, a 7.5% increase over FY19 and the source of about 80% of the town's revenues.

The components of revenue growth over the last few years can be seen on the bar chart. We have been reaping the benefits the last few years of a spike in new growth defined as growth from new development and construction. New growth revenue peaked in FY2018 at \$4.8mm and is expected to be \$2.7mm in FY2020, the lowest amount in the last 5 years, as new construction, particularly commercial construction in the N2 Innovation district, has begun to taper off. This will be something to monitor going forward as well as the growth in the tax base as growth in overall housing values also show signs of slowing. The town's conservative budgeting practices has resulted in another expected significant year of Free Cash totaling \$10.4mm which although down \$2.9mm from FY19 will allow the town to

fund many capital expenses projects as you see in this year's warrant and also allow us to maintain adequate reserves.

The operating appropriations budget which is summarized on page 14 of the warrant totals about \$178mm, an increase of \$13mm or 811% over FY2019. This does not include other appropriations of \$11.8mm (Cash Capital, Financial Warrant articles and fund transfers) which as a group declined about \$4mm or 25% from FY2019.

Mr. Coffman highlighted some of the main drivers of the operating budget increase. He noted that it is important to remember that the town is essentially a service organization. Salaries, benefits and other employee related costs including retiree expenses are the primary expense of the town comprising 73.4% of the operating budget. Most of these expenses are set by negotiated collective bargaining agreements and have limited flexibility. As a whole these costs increased about \$7.5mm or 6.1% over FY19. This is actually a very respectable number especially when you consider that the town grew Full Time Equivalent employees or FTE's in FY2020 by almost 49 FTE's or 4.4% over FY2019, by far the largest increase in the last 10 years as you can see from the chart behind me. The bars represent FTE's grouped by departments. Schools are in blue, Public Safety in red, DPW and facilities in green and all other in purple. The line graphs show the % growth of school FTE's and Total FTE's.

As you would expect the main driver of FTE growth is the school department. The school department represents 70% of all the town's FTE's and is adding 45 FTE's in FY2020, 34 of which are for the implementation of full day kindergarten. This has been long planned for and we are fortunate to have the revenue growth and expense discipline that has allowed for the absorption of these employees.

Mr. Coffman mentioned that total employee costs are up only 6.1% in spite of the spike in FTE growth. Part of the reason for this is Group Health Insurance and Benefits costs of \$15.5mm are only increasing 1.8% compared with FY2019. The town is transitioning all employees to benchmark and high deductible plans with lower premiums. This should be viewed as one time re-set and we should not expect future health cost growth to be so modest.

The other significant increase in FTE's is in Public Safety. The FY2020 budget includes the addition of 8 new firefighter positions in anticipation of the new Public Safety facility. We have had the need for this additional staff, but have not had adequate space to accommodate them. These positions were going to be phased in over a few years but the town received a grant that is covering a substantial amount of the cost for the next 3 years so the impact on the budget for FY2020, FY2021 and FY2022 is muted.

The other significant expense item Mr. Coffman highlighted is debt service, which is included in Town Wide expenses. Debt Service costs total \$19mm in FY2020 an increase of \$4.1mm or 27.7% over FY2019. The chart behind highlights the components of debt service for a 10 year period from 2014 through 2024 based on past and current planned borrowings. At the bottom in blue are borrowings funded by the tax levy, which as a policy we limit to 3% of tax revenues. The larger red bar is debt service from excluded debt or Proposition 2 1/2 overrides. Green is CPA debt service and purple is Enterprise Fund debt. You can see that after declining for a few years through FY17 as older projects were fully paid off, we are on a significant upswing in debt costs from all of the recent and future large capital projects.

The surge in 2020 expense is from the new debt service for the Sunita Williams school, the Rosemary pool complex and some debt service from the recent override for the new Public Safety project. You can see there will be another large increase in FY2021 from a full year of new Public Safety complex debt service. Even if we look at debt service excluding Prop 2 ½ debt it is still expected to be on a steady upswing.

Although Excluded debt service costs do not have to be funded as part of the operating budget they obviously are part of the every resident's tax bill and will now comprise over \$1000 of the average homeowner's bill.

In closing, Mr. Coffman noted that as a town we have benefitted in recent years from a very favorable economic environment, strong real estate growth and development which has accelerated the revenue growth of the town. However, there are signs that growth rates have begun to decline and will be much more modest going forward. We are also in the midst of an unprecedented capital investment period with a number of significant construction projects underway and a few others on the horizon namely a potentially new DPW facility, a replacement for the Mitchell School and a decision on the future of the Emory Grover Administration building. Total Annual Debt Service costs, including Enterprise Fund debt costs, which were below \$15mm as recently as FY2017 are going to be in the \$22-27mm range for the foreseeable future.

All of this simply reinforces the need to remain conservative in our budgeting and funding practices and remember our core principles. First, current revenue must be sufficient to support current expenditures; Second, debt must not be used to fund on-going operating expenses; Third, the use of Free Cash to fund operations should be minimized; Fourth, adequate contingency funds should be maintained; and Fifth, sufficient maintenance and replacement funds should be allocated to ensure that facilities and equipment are properly maintained to minimize unexpected future large expenditures which can be very disruptive to a budget that has limited flexibility due to fixed commitments to personnel and debt service. It is also why the Finance scrutinizes very carefully all additions to employee headcount and encourages the deployment of technology wherever possible to temper employment growth.

On behalf of the Finance Committee, Mr. Coffman expressed the Finance Committee's appreciation for the hard work and dedication of the Town Manager, the Director of Finance, the Director of Operations, the Superintendent of Schools, the Director of Financial Operations for the Schools, the department heads and managers along with the Board of Selectman and School Committee. Everyone on the Finance Committee benefited greatly from both their diligence and their open, honest and constructive approach to resolving competing operational needs. Balancing the short term and long term interests of the Town and its residents is our goal and although we are not always in agreement we are fortunate that we can have open honest debates, the hallmark of our Town Government. The finance committee unanimously recommends adoption of Article 18.

The Moderator proceeded to call out each line item in the budget.

Under Line item 5, Retiree Insurance & Insurance Liability Fund, Philip R. Murray questioned the evaluation of future retirement costs. Barry J. Coffman, in conversation with Town Manager, indicated 7% is the current assumption. It was

noted that the Town Retirement System is in the top ten in the Commonwealth.

Under Line 6, Retirement Assessments, the pension is 6.8% and expected to be fully funded in 2030.

Under Line 8, Classification Performance & Settlements, Mr. Coffman advised Ford Peckham that the increase over last year is related to pending collective bargaining agreements not settled.

Under Line Item 19, Minuteman Regional High School Assessment, Mr. Jeffrey Stulin, Minuteman Representative, presented a brief update on Minuteman School construction. He noted that there are two parts of the building project – one is the hardware (the building itself) and the other is the software (educational opportunities). The building is supposed to be completed in four months with a school opening date of September 3, 2019. Mr. Stulin stated that there are three new programs that will integrate career paths more closely with academics – advanced manufacturing, multi-media engineering, and animal science. Minuteman has applied for and received several grants.

Mr. Ronald W. Ruth rose to thank and commend Mr. Stulin for his strong and consistent representation of the Minuteman Regional High school for the Town of Needham.

Under Line Item 20, Needham Public Schools, Mr. Michael J. Greis presented the school budget report to Town Meeting.

He stated that what you have before you in this article is a budget request that reflects not just one - but multiple years of careful and thoughtful planning. The most significant element of this request is funding to finally implement full day kindergarten here in Needham.

This has been a long time coming – and is long overdue. The bad news is that we are the last community among the 351 cities and towns of Massachusetts to provide access to full-day Kindergarten. The good news is that - with your support of our budget request this evening – that will change completely.

Five years ago we were preparing to undertake a feasibility study for the replacement of the Hillside School. It seemed possible and once that new, larger school had been built, Needham might then have enough space to provide full-day Kindergarten. That would mean significant additional funding that would require time and effort to secure. In mid 2014, we created a Kindergarten study committee. This group assessed our current and future space and population; their work led to the Mitchell Modules that this body approved earlier this year. Having validated that we would have the space, they assessed the options. This led to the School Committee vote recommending full-day, five day a week, no tuition K for all students in Needham. (note: some communities charge tuition, provide programs only 3 or 4 days a week, or have lotteries for limited space).

The School Committee and Superintendent began work with the Town Manager, Select Board and Finance Committee to identify a funding plan. The result was the two-year plan culminating in this year's budget request. It is crisply described in the three paragraphs at the top of page 9 in your warrant book, in the Finance Committee's letter, so I will not repeat it here.

In the meantime, the Kindergarten study committee evolved into a Kindergarten planning committee. After significant research and evaluation, the Committee brought together key elements of our current early education programs with a program called "Focus on K2", developed and implemented in the Boston Public Schools and replicated in communities in Massachusetts and beyond.

Basically, our curriculum will allow Kindergartners to direct their own education, follow their natural curiosity and engage in active learning in a way that most of us would not have imagined possible for five-year olds. But, when you see this model in action, you will believe it. With kids working alone and in small groups – and yes, five-year olds can do that, too - the adults in the room become even more important. That's why the implementation calls for two adults in every classroom.

Beginning this September, with your support this evening, every five-year old entering the Needham Public Schools will experience an incredible Kindergarten program that has been transformed, not simply extended from a half-day to a full-day.

The work doesn't end in September. Over the next several years, we will be learning along with the kids and evolving the program based on our experience.

There will be a second transformation in the Needham Public Schools this September. Thanks again to the support of this Town Meeting and the entire Needham community; the brand new Sunita Williams Elementary School will open, welcoming almost 520 students and staff from the Hillside School to their new home on Central Avenue.

Hillside Principal Michael Kascak and his staff are busy closing out the school year while also preparing for this summer's move to Sunita Williams. The community will be invited to the dedication ceremony on October 11th.

Speaking of Sunita, she is currently in training as one of four NASA Astronauts tapped to fly on the first two operational commercial missions to the International Space Station. The Superintendent consulted with her in selecting the date for the dedication, and she is planning to attend. For those who can't make the dedication, the School Committee will host a Saturday morning open house at the Sunita Williams School this fall.

The School Committee is working on two important initiatives.

The first is a commitment to equity, and the group of educators, parents, and students leading our efforts around equity and inclusion - the Race, Equity, Access, and Leadership or REAL Coalition.

The term Equity has its roots in the law. The law of equity emerged 700 years ago in England as a remedy when statutory or common law produced results that were unfair and unjust. Equity is defined in a law dictionary as "the body of principles constituting what is fair and right (natural law)".

Our definition is a bit more expansive [Equity definition], but holds to those two principles – fair and right. Ensuring equity for all Needham students, including students of color, is challenging work because we have opted to tackle, head on, the issues in our schools that prevent all students from learning and achieving. The data and the voices of our parents, teachers, and students suggest we have work to do to ensure all are included and welcomed. We have chosen not to follow a well-worn path when facing an uncomfortable challenge - "appoint and forget". (In business, this is known as the CXO – Chief Equity Officer....)

Instead, our REAL coalition is a cross-section of stakeholders, collaborating and leading efforts to embed equity throughout our work - curriculum & instruction, professional development, hiring & employment, policies & practices, culture & climate and communications & community engagement. Recognizing the scope and scale of the effort required, the Superintendent's ask of our staff at the beginning of this year was simple but achievable – take small steps toward equity and learn from your mistakes.

Mr. Greis concluded his remarks with our work on Portrait of a Needham Graduate.

Let me first explain what it was not. Many of us, often in corporate settings, have experienced "visioning sessions" – blue-sky, brainstorming sessions to imagine the future....after several hours of which, most participants are willing to agree to almost anything to be released. The results are typically reduced to a slogan, given lip-service and eventually forgotten.

Portrait of a Needham Graduate is very different. Over the last year, a group of more than 50 community stakeholders - students, staff, educators, parents, business and civic leaders, and representatives from higher education – have engaged in a series of workshops to craft an answer to this question:

"What kind of educational experiences do we want for our students at all grade levels as we propel them towards graduation, the challenges ahead, and their future lives?"

This was rigorous, research-driven, thoughtful work and based on the principle of equity and achievement for all students. Note particularly that the work addressed two critical questions that are too often ignored:

- What are we already doing that we must continue to do well?
- What are we doing that we should no longer be doing?

A summary of their work is in a handout at the back of the room. The School Committee will vote to accept the Portrait work at an upcoming meeting. In closing our goals and priorities will be shaped by this work, and it will in turn shape future years' budgets. And, as we know, budgets are the means by which aspiration becomes reality.

Mr. Greis, on behalf of the School Committee, thanked Town Meeting for their time and attention this evening, and for all the support provided – as a Town Meeting body, and as individuals and members of so many Needham organizations. Mr. Greis asked for your support of our budget in this article.

Under Line Item 24, Health and Human Services Department, Mr. Edward V. Cosgrove III, Member, Board of Health, advised Theodore M. Crowell that the Board of Health is vigorous in its regulations of tobacco products and invited him to attend one of their meetings.

Under Line Item 25A, Barry J. Coffman, Chair, Finance Committee, advised Carol I. Urwitz that the salary items is a stipend to a town employee to help the Commission.

ACTION: The main motion was presented and carried by unanimous vote.

VOTED: That the Town vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$2,068,301, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$105,159, and \$1,185,317 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose.

Townwide Expenses

1. Casualty, Liability, Property & Self Insurance Program	\$626,790
2. Debt Service	\$19,038,470
3. Group Health Insurance, Employee Benefits Assessments & Administrative Costs	\$15,533,760
4. Needham Electric, Light & Gas Program	\$3,746,587

5. Retiree Insurance & Insurance Liability Fund	\$6,906,705
6. Retirement Assessments	\$8,688,258
7. Workers Compensation	\$706,400
8. Classification Performance & Settlements	\$835,500
9. Reserve Fund	\$1,881,500

Townwide Expense Total

\$57,963,970

Select Board & Town Manager

10A Salary & Wages	\$902,135
10B Expenses	<u>142,869</u>

Total **\$1,045,004**

Town Clerk & Board of Registrars

11A Salary & Wages	\$359,747
11B Expenses	<u>\$53,850</u>

Total **\$413,597**

Town Counsel

12A Salary & Wages	\$75,140
12B Expenses	<u>\$254,000</u>

Total **\$329,140**

Finance Department

13A Salary & Wages	\$2,015,110
13B Expenses	\$1,043,755
13C Capital	<u>\$80,000</u>

Total **\$3,138,865**

Finance Committee

14A Salary & Wages	\$38,532
14B Expenses	<u>\$1,360</u>

Total **\$39,892**

Planning and Community Development

15A Salary & Wages	\$554,745
15B Expenses	<u>\$33,050</u>

Total **\$587,795**

General Government

\$5,554,293

Police Department

16A Salary & Wages	\$6,536,805
16B Expenses	\$380,733
16C Capital	<u>\$132,983</u>

Total **\$7,050,521**

Fire Department

17A Salary & Wages	\$8,275,489
17B Expenses	\$390,130
17C Capital	<u>0</u>

Total **\$8,665,619**

Building Department

18A Salary & Wages	\$728,046
18B Expenses	<u>\$51,040</u>

Total **\$779,086**

Public Safety Total **\$16,495,226**

Minuteman Regional High School Assessment

19 Assessment \$1,084,783

TOTAL **\$1,084,783**

Needham Public Schools

20 Needham Public School Budget \$76,005,765

TOTAL **\$76,005,765**

Education **\$77,090,548**

Building Design & Construction Department

21A Salary & Wages \$507,317

21B Expenses \$19,495

Total **\$526,812**

Department of Public Works

22A Salary & Wages \$8,809,530

22B Expenses \$6,441,822

22C Capital \$136,500

22D Snow & Ice \$420,395

Total **\$15,808,247**

Public Facilities and Public Works Total **\$16,335,059**

Municipal Parking Program

23 Program Budget \$116,464

Total **\$116,464**

Health and Human Services Department

24A Salary & Wages \$1,659,308

24B Expenses \$389,274

Total **\$2,048,582**

Commission on Disabilities

25A Salary & Wages
1,500

25B Expenses 550

Total **\$2,050**

Historical Commission

26A Salary & Wages \$0

26B Expenses 1,050

Total **\$1,050**

Needham Public Library

27A Salary & Wages \$1,459,859

27B Expenses \$361,685

Total **\$1,821,544**

Park & Recreation Department

28A Salary & Wages \$694,205

28B Expenses \$136,265

Total **\$830,470**

Memorial Park

29A Salary & Wages \$0

29B Expenses \$750

Total **\$750**

TOTAL: COMMUNITY SERVICES **\$4,820,910**

DEPARTMENT BUDGET TOTAL **\$120,296,036**

TOTAL OPERATING BUDGET **\$178,260,006**

At 11:35 P.M. Mr. Gilbert W. Cox, Jr. moved that the Annual Town Meeting stand adjourned to Wednesday, May 8, 2019 at 7:30 P.M. at the James Hugh Powers Hall, Town Hall and it was so voted unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
Attest:

ADJOURNED ANNUAL TOWN MEETING

Wednesday, May 8, 2019

Pursuant to adjournment of the Annual Town Meeting held May 6, 2019, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Wednesday May 8, 2019 at 7:30 P.M.

Check lists were used and 220 voters were checked on the list as being present, including 214 Town Meeting Members. 37 Town Meeting Members were absent.

At the designation of Rev. Nick Morris-Kliment, President of the Needham Interfaith Clergy Association, Reverend Ashley Murphy, Carter Memorial United Methodist Church of Needham, gave the invocation.

The Moderator reminded Town Meeting Members to sit in the first 11 rows of the hall. He also noted that only Town Meeting Members are permitted to vote.

The Moderator announced that National Public Works Week is May 19, to May 25, 2019. The DPW will hold a Fill-A-Truck Food Drive during this period.

The Moderator announced that tonight's pages are Kristin Wright and Chandler Perkinson.

The following articles were previously approved by unanimous consent on Monday, May 6, 2019.

Article 19 was adopted by unanimous consent on Monday, May 6, 2019.

Article 20 was adopted by unanimous consent on Monday, May 6, 2019.

Article 21 was adopted by unanimous consent on Monday, May 6, 2019.

Article 22 was adopted by unanimous consent on Monday, May 6, 2019.

Article 23 was adopted by unanimous consent on Monday, May 6, 2019.

At this time discussion commenced under Article 24.

ARTICLE 24: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNIT

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

2. Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial-1 Districts, by inserting immediately above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

<u>USE</u>	<u>RRC</u>	<u>SRB</u>	<u>GR</u>	<u>A-1,2</u>	<u>I</u>	<u>IND</u>	<u>IND-1</u>
	SRA			& 3			

Accessory Dwelling Unit (See 3.15)

SP	SP	SP	SP	SP	SP	SP
----	----	----	----	----	----	----

3. Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

<u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
------------	----------	------------	-----------	------------	------------

Accessory Dwelling Unit (See 3.15)

SP	N	N	SP	SP
----	---	---	----	----

4. Amend Section 3.2.3, Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (c) that reads “Accessory Dwelling Unit under Section See 3.15” and by renumbering former paragraphs (c) thru (o) as (d) thru (p) respectively.

5. Amend Section 3, Use Regulations, by adding a new Section 3.15, Accessory Dwelling Units (ADUs), to read as follows:

“3.15 Accessory Dwelling Units (ADUs)

3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by family and caregivers related to the owners of the property subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained, and that the accessory unit remains subordinate to the principal use of the living quarters.

3.15.2 Definition

The accessory dwelling unit (ADU) is an apartment in a second, self-contained dwelling unit as part of a single-family detached dwelling serving as a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot, constructed to maintain the appearance and essential character of the single-family dwelling.

3.15.3 Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations:

(a) There shall be no more than one accessory dwelling unit on a lot to be located in the primary dwelling only, not in accessory buildings.

(b) At least one of the units, the primary or accessory dwelling unit, shall be owner-occupied except for temporary absences of the owner as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence. Temporary absence of an owner of a property containing an accessory dwelling unit shall include an absence for a period of nine months or less during which time the owner may rent the owner's unit as well as the second unit during the temporary absence provided:

- (1) Written notice thereof shall be made to the Building Commissioner on a form prescribed by him.
- (2) The owner shall be resident on the property for at least two years prior to and between such temporary absences.

(c) Occupancy of the unit that is not owner-occupied shall be limited to a member of the owner's family related by first degree of kinship, marriage or adoption or to a caregiver for a member of the owner's family. For purposes of this section "caregiver" shall be defined as an adult who regularly looks after an elderly, chronically sick or disabled person who requires such assistance.

(d) The size of the accessory dwelling unit shall be limited to 850 square feet of living space and shall have no more than one bedroom.

(e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.

(f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the accessory dwelling unit shall be in accordance with Board of Health requirements.

(g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to accessory dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Any new entrance shall be located on the side or in the rear of the building. Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

(h) The owner of record shall be responsible for submitting an accessory dwelling unit application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.

(i) The installation of the accessory dwelling unit shall require the issuance of a building permit by the Building Commissioner.

(j) Occupancy of the accessory dwelling unit shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy unless an owner's affidavit is presented to the Building Commissioner attesting to the fact that the circumstances under which the occupancy permit was granted shall continue to exist in the future.

(k) In the case that the accessory dwelling unit has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating. Upon the close and approval of permits required to remove such components will return the property back to a lawful single-family dwelling."

Or take any other action relative thereto.

Article Information: Article 24 establishes a special permit process to enable the Board of Appeals to permit accessory dwelling units (ADUs) in single-family homes for occupancy by family member(s) related to the owners of the property and caregivers of family members, subject to specified standards and procedures. It is also the intent of this zoning to assure that the single-family character of a neighborhood will be maintained, and that the necessary accessory unit remains subordinate to the principal use of the living quarters. ADUs will be allowed in all zoning districts with the exception of the Chestnut Street Business District, Center Business District, Mixed-Use 128 District, Highland Commercial 128 District, and New England Business Center District. In these zoning districts single-family homes are not currently permitted.

Under Article 24, the accessory dwelling unit (ADU) is defined as an apartment that is a second, self-contained dwelling unit as part of a single-family detached dwelling serving as a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. The ADU must be subordinate in size to the principal dwelling unit on a lot, and constructed to maintain the appearance and essential character of the single-family dwelling.

To accomplish this, the by-law restricts size, occupancy, and exterior conditions. In regard to size, the ADU is limited to one-bedroom and 850 square feet with no more than one ADU per lot. Additionally, the ADU must be located in the primary structure, not in an accessory building. In regard to occupancy, at least one of the units must be owner-occupied; and occupancy of the unit that is not owner-occupied is limited to a member of the owner's family related by first degree of kinship, marriage or adoption or by a caregiver for a member of the owner's family. Temporary absence of an owner of a property containing an accessory dwelling unit is permitted for a period of nine months or less during which time the owner may rent the owner's unit as well as the second unit during the temporary absence provided: 1) written notice is made to the Building Commissioner on a form prescribed by him. 2) the owner shall be resident on the property for at least two years prior to and between such temporary absences. With respect to exterior appearance, the by-law requires separate ingress and egress to the outside of each unit that do not detract from the single-family appearance of the dwelling. Any new entrance shall be located on the side or in the rear of the building. Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. Moreover, all stairways must be enclosed within the exterior walls of the structure. An interior doorway is also required for access between each unit for purposes of supervision and emergencies. There must also be sufficient off-street parking, defined as a minimum of one space per unit.

Applications to create an ADU must be submitted to the Building Commissioner with floor plans and a certified site plan. Beyond the special permit from the Board of Appeals, building and occupancy permit approvals are required from the Building Commissioner. All units must be in compliance with Board of Health and State Building Code regulations.

The occupancy permit will be provided for a three-year period after which succeeding three-year periods will be allowed assuming continued compliance with zoning requirements. The occupancy permits will not be transferable upon a change of ownership or occupancy unless an affidavit affirming continuing compliance with the conditions of the occupancy permit is received and approved by the Building Commissioner. In the case of violations of the terms of the special permit or the expiration of the lawful use of the ADU, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the components that create a separate dwelling unit such as living, sleeping, cooking and eating, returning the unit to a lawful single-family dwelling.

MOVED: That the Town vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

2. Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial-1 Districts, by inserting immediately above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

“ <u>USE</u>	<u>RRC</u>	<u>SRB</u>	<u>GR</u>	<u>A-1,2</u>	<u>I</u>	<u>IND</u>	<u>IND-1</u>
	SRA			& 3			

Accessory Dwelling Unit (See 3.15)

SP	SP	SP	SP	SP	SP	SP
----	----	----	----	----	----	----

3. Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

“ <u>USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
--------------	----------	------------	-----------	------------	------------

Accessory Dwelling Unit (See 3.15)

SP	N	N	SP	SP
----	---	---	----	----

4. Amend Section 3.2.3, Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (c) that reads “Accessory Dwelling Unit under Section See 3.15” and by renumbering former paragraphs (c) thru (o) as (d) thru (p) respectively.

5. Amend Section 3, Use Regulations, by adding a new Section 3.15, Accessory Dwelling Units (ADUs), to read as follows:

“3.15 Accessory Dwelling Units (ADUs)

3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by family and caregivers related to the owners of the property subject to the standards and procedures hereinafter set forth. It is also the intent to assure that

the single-family character of the neighborhood will be maintained, and that the accessory unit remains subordinate to the principal use of the living quarters.

3.15.2 Definition

The accessory dwelling unit (ADU) is an apartment in a second, self-contained dwelling unit as part of a single-family detached dwelling serving as a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot, constructed to maintain the appearance and essential character of the single-family dwelling.

3.15.3. Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations:

- (a) There shall be no more than one accessory dwelling unit on a lot to be located in the primary dwelling only, not in accessory buildings.
- (b) At least one of the units, the primary or accessory dwelling unit, shall be owner-occupied except for temporary absences of the owner as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence. Temporary absence of an owner of a property containing an accessory dwelling unit shall include an absence for a period of nine months or less during which time the owner may rent the owner's unit as well as the second unit during the temporary absence provided:
 - (1) Written notice thereof shall be made to the Building Commissioner on a form prescribed by him.
 - (2) The owner shall be resident on the property for at least two years prior to and between such temporary absences.
- (c) Occupancy of the unit that is not owner-occupied shall be limited to a member of the owner's family related by first degree of kinship, marriage or adoption or to a caregiver for a member of the owner's family. For purposes of this section "caregiver" shall be defined as an adult who regularly looks after an elderly, chronically sick or disabled person who requires such assistance.
- (d) The size of the accessory dwelling unit shall be limited to 850 square feet of living space and shall have no more than one bedroom.
- (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.
- (f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the accessory dwelling unit shall be in accordance with Board of Health requirements.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to accessory dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Any new entrance shall be located on the side or in the rear of the building. Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an accessory dwelling unit application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.
- (i) The installation of the accessory dwelling unit shall require the issuance of a building permit by the Building Commissioner.
- (j) Occupancy of the accessory dwelling unit shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy unless an owner's affidavit is presented to the Building Commissioner attesting to the fact that the circumstances under which the occupancy permit was granted shall continue to exist in the future.
- (k) In the case that the accessory dwelling unit has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating. Upon the close and approval of permits required to remove such components will return the property back to a lawful single-family dwelling."

Mr. Paul S. Alpert, Chairman, Planning Board, offered the following motion to amend:

That the main motion under Article 24 is amended as follows:

In Article 24, by amending Section 3.15.3, Use Regulations, subparagraph © so that the subparagraph shall now read as follows (new language underlined):

(c) Occupancy of the unit that is not owner-occupied shall be limited to a member of the owner's family related by first degree of kinship, marriage or adoption or to a caregiver for a member of the owner's family, and such person's family; provided that occupancy of the ADU shall be limited to a maximum of three persons, and the total number of persons residing in the main dwelling and the ADU combined who are not related to the owner by blood, marriage or adoption shall be limited to five. For purposes of this section "caregiver" shall be defined as an adult who regularly looks after an elderly, chronically sick or disabled person who requires such assistance."

Mr. Paul S. Alpert, Chairman, addressed this proposal on behalf of the Planning Board. He explained that this zoning amendment is an accessory use similar to an in-law suite. While an in-law suite does not allow for a stove, this new use would include a stove in a small area in a single-family home for a family member or caregiver. The initial size of the area is 850 square feet, requires a special permit, and is good for three years. At the end of the three-year period, the owner can go to the Building Commissioner to continue and then apply for a new permit.

Mr. Maurice P. Handel, Member, recommended adoption on behalf of the Select Board without the amendment. He explained that this use would allow people to remain in their homes as long as possible.

The Moderator stated that a motion to amend will be offered by Jeffrey D. Heller which has a correction in the third paragraph by deleting the words: "three-year periods" and inserting in place thereof the following "one year period".

Mr. Jeffrey D. Heller offered the following motion to amend: that the main motion under Article 24 be amended as follows:

In subsection 3.15.3 (j) by deleting in the second sentence the words and numbers "three (3) years" and inserting in place thereof the following "one (1) year" and;

By deleting in the third sentence of that subsection and the words and numbers "three (3) years periods" and inserting in place thereof the following "one (1) year period" and;

By adding to the end of fourth sentence of that sub-section the words "otherwise new owner shall make an application for a special permit from the Zoning Board of Appeals."

Mr. Heller stated that he is in favor of this article but is concerned with the potential for abuse. Through his motion to amend he is proposing some accountability. Mr. Alpert advised that the three-year period is a compromise. The Planning Board discussed one, three- and five-year terms.

Mr. Paul A. Siegenthaler questioned if a qualified ADU would increase property tax value. Mr. Alpert suggested that question should be directed to the Assessing Department.

Ms. Emily Rose Cooper stated that section 3.15.1 Intent and 3.15.3(c) are in conflict. Mr. Alpert advised that the intent is that a caregiver need not be related to the owner. Emily Rose Cooper stood in support of the article but not Mr. Heller's amendment. She suggested that having to apply for a special permit every year is too much.

A second motion to amend was offered by Mr. Paul S. Alpert under Section 3.15.1 Intent by inserting the words "related to the owners and caregivers to the owners or the owner's family" in the second line after the words "for occupancy by family".

In response to an inquiry from Lois Sockol, Mr. Alpert explained that there is a maximum number of three residents in an ADU (Accessory Dwelling Unit) and a total of 5 residents in the whole house. He also noted that while a builder could build an Accessory Dwelling Unit, a special permit is still required. And lastly, the possible rental is limited to a very short-term absence.

Mr. Erik J. Bailey asked for clarification of Mr. Alpert's second motion to amend on the wording in Section 3.15.1 Intent. Mr. Bailey offered a secondary amendment to Mr. Alpert's second motion to amend by placing an apostrophe after the second word entitled "owner's" in the amendment.

Mr. Alpert offered the following motion to amend: That the main motion under Section 3.15.3 (b) be amended by deleting the following words in the last sentence: "as well as the second unit" so that the sentence shall read: "Temporary absence of an owner of a property containing an accessory dwelling unit shall include an absence for a period of nine months or less during which time the owner may rent the owner's unit during the temporary absence provided:"

Ms. Carol I. Urwitz rose in favor of this article. However, she expressed concern that Mr. Heller's amendment is more burdensome and could lead to more abuse.

In response to an inquiry from Molly Kastory Carter, Mr. Alpert noted that a property used as an accessory dwelling unit would show up in a title search.

Mr. William R. Dermody rose in favor of this article but expressed concern in section 3.15.1 (b) regarding the rental of the second unit if the owner is absent and the caregiver could stay. Mr. Alpert explained that the property could be in a trust or LLC.”

Mr. Carlos Aqualimpia rose to offer a motion to amend and the Moderator asked that he confer with the Planning Board which is required under our regulations.

After a brief discussion, the Moderator called for a short recess for any motions to be prepared in cooperation with the Planning Board.

At the end of the recess, the Moderator recognized and thanked State Representative Denise C. Garlick for attending our Town Meeting.

Discussion continued under Article 24.

Mr. Alpert advised the Moderator that the proposed motion by Mr. Aqualimpia had been resolved.

The Moderator announced that there are 6 motions and motions to amend on the floor: The main motion, Mr. Alpert's motion to amend, Mr. Heller's motion to amend, Mr. Alpert's second motion to amend, Mr. Bailey's motion to amend, and Mr. Alpert's third motion to amend.

Mr. Aaron M. Pressman moved to refer the subject matter of the main motion and all amendments back to the Planning Board for further study.

Mr. William J. Paulson offered a motion to move the previous question on the main motion and the motions to amend. The motion to move the previous question was presented and carried by the required two-thirds vote as declared by the Moderator.

The motion to refer was presented but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was Yes 113 – No 93.

ACTION under Article 24: The motion to refer carried and the Moderator declared the article disposed of.

**ARTICLE 25: AMEND ZONING BY-LAW –
DIMENSIONAL AND USE REGULATIONS FOR THE
TRANSIT ORIENTED DEVELOPMENT SUB-DISTRICT
OF THE LOWER CHESTNUT STREET OVERLAY
DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 3.9.3.2, Special Permit Uses, by adding the following language: “(e) Within the Transit Oriented Development Sub-District (“TODD”), Multi-Family Dwelling development with dwelling units on the ground floor provided:

- (1) No development shall contain more than 150 units.
- (2) No unit shall have more than 2 bedrooms.
- (3) At least 50% of the units within any development shall be one-bedroom units.”

2. By adding to the end of Section 3.9.4.1, Lot Area, Frontage and Setback Requirements, the following language:

“The following lot area, frontage, and setback requirements shall apply only to development in the TODD of the Lower Chestnut Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet.

- (b) Minimum Lot Frontage: 50 feet.
- (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development.
- (d) Maximum Front Setback. 150 feet from the front property line.
- (e) Minimum Side and Rear Setback for Non-Multi-Family Dwelling-Only Developments:
 - (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten

(10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.

- (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.

(f) Multi-Family Dwelling-Only Development – Minimum Side and Rear Setback:

- (1) For Multi-Family Dwelling-only development on lots abutting a residential district, five (5) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply.
- (2) For Multi-Family Dwelling-only development on lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of five (5) feet from the lot line abutting the MBTA right-of-way, which area shall be suitably landscaped and not used for any other purpose.”

3. By adding to the end of Section 3.9.4.2, Building Height Requirements, the following language:

“The maximum building height in the TODD of Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of five (5) stories and sixty (60) feet, provided that the fifth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.9.8 below.

Buildings in the TODD of the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.”

4. Amend Section 3.9.4.3, Building Bulk and Other Requirements, by adding at the end of the section the following language: “The provisions of subsection (b) (2) shall not apply to development within the TODD of the Lower Chestnut Street Overlay District”.

5. Amend Section 3.9.5, Off-Street Parking, by:

Adding a new subsection (a) (3), which shall read as follows:

“(a)(3) For dwelling units in a Multi-Family Dwelling-only development within the TODD, the minimum number of off-street parking spaces shall be 1.25 spaces per dwelling unit.”; and

Adding a new subsection Section 3.9.5(c), which shall read as follows:

“Within the TODD, in addition to the requirement for bicycle racks under Section 5.1.3(n) for a mixed use building, mixed-use development, or a Multi-Family Dwelling-only development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.”

6. By adding a new Section 3.9.6.1, Affordable Housing in the TODD, which shall read as follows:

“Within the TODD, mixed-use buildings, mixed-use developments, and Multi-Family Dwelling-only developments with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of the By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) At least twelve and one-half percent (12.5%) shall be affordable units. In the instance of a fraction, the fraction shall be rounded to the nearest whole number.
- (c) All other requirements of Section 3.8.6 subparagraphs (c) thru (h) shall apply.”

7. By adding a new Section 3.9.9, Drive Aisle Requirements in the TODD, which shall read as follows:

“Notwithstanding the provisions of Section 5.1.3(i), within the TODD of the Lower Chestnut Street Overlay District, the minimum width of aisles within parking areas providing access to parking spaces for one-way traffic for a Multi-Family-only Dwelling shall be 20 feet, with a 25-foot turning radius throughout in order to accommodate fire truck movements.”

Or take any other action relative thereto.

Article Information: Articles 25 - 27 represent a package of proposed zoning by-law amendments that stem from more than two years of work by the Planning Board. The articles seek to secure implementation of the Needham Center Development Plan dated March 30, 2009, by enabling the development of housing at a location proximate to transit at the Needham Junction MBTA Commuter Rail Station and within walking distance to Needham Center and the Chestnut Street businesses. Article 25 proposes the creation of a new Transit Oriented Development Sub-District (TODD) within the Lower Chestnut Street Overlay District and lays out the regulatory framework for the new sub-district. Article 27 describes the geographical boundaries of the TODD. The affected area comprises 433 Chestnut Street and the land located directly to the south and the west of 433 Chestnut Street, owned by the MBTA and shown as Parcel 2 on a plan entitled “Re-zoning Plan of Land”, prepared by Beals and Thomas, dated April 3, 2018. The land located at 433 Chestnut Street is currently located in the Chestnut Street Business District and the Lower Chestnut Street Overlay District. The land located directly to the south and the west of 433 Chestnut Street and owned by the MBTA, is currently located within the Single Residence B zoning district. This latter parcel is proposed to be rezoned to the Chestnut Street Business District and the Lower Chestnut Street Overlay District

under Article 26 so that the TODD provisions may be extended to that location. The planning goals for the sub-district and its key provisions are summarized below.

The rezoning seeks to allow a multi-family housing development of up to 150 units to be developed at 433 Chestnut Street and on the adjacent MBTA property. This gateway location at the southern end of Chestnut Street is challenged by the train tracks that surround the site, limited frontage and a difficult site configuration. These challenges have limited the desirability of the property to be utilized for retail development (due to a lack of visibility), condominium development (due to the adjacencies of the rail tracks and the Eversource electric transmission facility to the south), or an active commercial user other than the existing landscape business, which is a benefit to the Town, but which does not provide any benefit to the streetscape or activation for adjacent businesses. The Town's current zoning contributes to these problems further by posing use and dimensional barriers to redevelopment. Specifically, the existing zoning allows for multi-family development in the Chestnut Street Overlay District, but requires an increased frontage, limits height to 4 stories, and requires ground floor retail uses, which are all challenges for development at this location. Additionally, the existing zoning establishes minimum side and rear yard setback standards from residential district boundaries and the MBTA right-of-way which are inappropriate at a site where the proposed use is exclusively residential and does not include a commercial component.

The proposed TODD is designed to address these development constraints by placing supplemental provisions on top of those which already exist in the Lower Chestnut Street Overlay District thereby creating additional opportunities for development at the subject location. The TODD's key provisions are summarized below.

Permitted Uses

Uses allowed as-of-right and by special permit in the Lower Chestnut Street Overlay District are also allowed as-of-right or by special permit in the TODD of the Lower Chestnut Street Overlay District. In addition, development of multi-family units at grade is permitted in the TODD by special permit provided: no development shall contain more than 150 units; no unit shall have more than 2 bedrooms; and at least 50% of the units within any development shall be one-bedroom units. Current zoning in the Lower Chestnut Street Overlay District allows multi-family development by special permit but requires commercial use at the ground floor level.

Lot Area and Frontage

The Lower Chestnut Street Overlay District still requires a minimum lot area of 15,000 sq. ft. and lot frontage of 100 feet. The TODD of the Lower Chestnut Street Overlay District requires a minimum lot area of 15,000 sq. ft. but reduces lot frontage to 50 feet. The frontage requirement in the TODD has been reduced to 50 feet as the subject development site (due to the railroad tracks that surround the site) has less than 100 feet of frontage on Chestnut Street.

Minimum Front Setback

The minimum front yard setback in both the TODD of the Lower Chestnut Street Overlay District and the Lower Chestnut Street Overlay District is the lesser of 5 feet from the property line or the average setback of abutting buildings within 100 feet on the same side of the street as the development.

Maximum Front Setback

The Lower Chestnut Street Overlay District requires a maximum front yard setback of 15 feet from the front property line. This was

imposed in an effort to establish a strong building line along the street edge of Chestnut Street. The TODD of the Lower Chestnut Street Overlay District establishes a maximum front yard setback of 150 feet from the front property line due to the shape of the affected parcel and its limited frontage at Chestnut Street.

Minimum Side and Rear Setbacks

In the TODD of the Lower Chestnut Street Overlay District a reduction in the minimum side and rear yard setback from the lot line abutting the MBTA (25 feet reduced to 5 feet) is afforded for multi-family development only, with the 5 foot area to be suitably landscaped and not used for any other purpose. For all other development in the TODD the rules of the Lower Chestnut Street Overlay District apply as follows. For lots adjacent to the MBTA right-of-way, the minimum yard setback is 25 feet from the lot line abutting the MBTA right-of-way. The 10 feet of the setback closest to the MBTA right-of-way must be suitably landscaped and not used for any other purpose except surface parking, if approved by special permit from the Planning Board. The remaining 15 feet may be used for an accessory use, not including a building or structure, but an underground parking structure would be allowed if located entirely below the grade of the existing lot.

In the TODD of the Lower Chestnut Street Overlay District a reduction in the minimum side and rear yard setback from the lot line abutting a residential district (50 feet reduced to 5 feet) is afforded for multi-family development only with the 5 foot area to be suitably landscaped and not used for any other purpose. For all other development in the TODD the rules of the Lower Chestnut Street Overlay District apply as follows. For lots abutting a residential district, the minimum yard setback is 50 feet from the district boundary. The 25 feet closest to the district boundary must be suitably landscaped and not used for any other purpose. By special permit from the Planning Board, however, an underground parking structure may be permitted within the 50 foot setback provided the garage structure is located entirely below the grade of the existing lot and is set back at least ten 10 feet from the district boundary or 10 feet from the lot line, whichever is greater. The 25 feet closest to the district boundary must be suitably landscaped over the surface of the garage structure.

Building Height Requirements

In the TODD of the Lower Chestnut Street Overlay District the maximum by right building height remains unchanged from that of the Lower Chestnut Street Overlay District at two and one-half stories and thirty-five feet. For lots in the TODD having the required minimum frontage of 50 feet on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of 5 stories and 60 feet, provided that the fifth story is located under a pitched roof or is recessed from the face of the building. Current zoning for the Lower Chestnut Street Overlay District authorizes by special permit a maximum building height of 4 stories and 48 feet for lots having 100 feet of frontage on Chestnut Street.

Building Bulk and Other Requirements

The maximum as-of-right Floor Area Ratio (FAR) in both the TODD of the Lower Chestnut Street Overlay District and the Lower Chestnut Street Overlay District is 0.7. For lots with conforming frontage (50 ft. in the case of the TODD and 100 ft. in the case of the Overlay) on Chestnut Street, the Planning Board has the authority to grant special permits for an increase in the maximum FAR to 1.5 or 2.0. In the case of the Lower Chestnut Street Overlay District the increase in the maximum FAR is subject to the same two-tier standards that apply in the Needham Center Overlay District. In the case of the TODD of the Lower Chestnut Street Overlay District an exception to the two-tier

standard is afforded so to permit waivers of minimum parking requirements and payment of the in lieu off-street parking fee.

Off-Street Parking

For dwelling units in a multi-family dwelling-only development within the TODD of the Lower Chestnut Street Overlay District, the minimum number of off-street parking spaces is 1.25 spaces per dwelling unit. For dwelling units in a mixed-use building in the Lower Chestnut Street Overlay District, the minimum number of off-street parking spaces is 1.5 spaces per dwelling unit.

Affordable Housing

The TODD of the Lower Chestnut Street Overlay District requires affordable housing in larger mixed-use development and multi-family dwelling-only development, i.e., those with six or more dwelling units. At least one affordable unit is required for a development with six to eight units. For a development with nine or more units, at least 12.5 percent must be affordable. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. Floor area devoted to affordable housing is exempt from the total floor area used to calculate maximum FAR. This represents an increase from the affordable housing requirement presently in place for the Lower Chestnut Street Overlay District where for developments with six or more dwelling units 10 percent of total units are required to be affordable.

MOVED: That the Town vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 3.9.3.2, Special Permit Uses, by adding the following language: “(e) Within the Transit Oriented Development Sub-District (“TODD”), Multi-Family Dwelling development with dwelling units on the ground floor provided:
 - (1) No development shall contain more than 150 units.
 - (2) No unit shall have more than 2 bedrooms.
 - (3) At least 50% of the units within any development shall be one-bedroom units.”
2. By adding to the end of Section 3.9.4.1, Lot Area, Frontage and Setback Requirements, the following language:

“The following lot area, frontage, and setback requirements shall apply only to development in the TODD of the Lower Chestnut Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet.
- (b) Minimum Lot Frontage: 50 feet.
- (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development.
- (d) Maximum Front Setback. 150 feet from the front property line.
- (e) Minimum Side and Rear Setback for Non-

Multi-Family Dwelling-Only Developments:

- (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.

- (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.

(f) Multi-Family Dwelling-Only Development – Minimum Side and Rear Setback:

- (1) For Multi-Family Dwelling-only development on lots abutting a residential district, five (5) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply.
- (2) For Multi-Family Dwelling-only development on lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of five (5) feet from the lot line abutting the MBTA right-of-way, which area shall be suitably landscaped and not used for any other purpose.”

3. By adding to the end of Section 3.9.4.2, Building Height Requirements, the following language:

“The maximum building height in the TODD of Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of five (5)

stories and sixty (60) feet, provided that the fifth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.9.8 below.

Buildings in the TODD of the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.”

4. Amend Section 3.9.4.3, Building Bulk and Other Requirements, by adding at the end of the section the following language: “The provisions of subsection (b) (2) shall not apply to development within the TODD of the Lower Chestnut Street Overlay District”.

5. Amend Section 3.9.5, Off-Street Parking, by:

Adding a new subsection (a) (3), which shall read as follows:

“(a)(3) For dwelling units in a Multi-Family Dwelling-only development within the TODD, the minimum number of off-street parking spaces shall be 1.25 spaces per dwelling unit.”; and

Adding a new subsection Section 3.9.5(c), which shall read as follows:

“Within the TODD, in addition to the requirement for bicycle racks under Section 5.1.3(n) for a mixed use building, mixed-use development, or a Multi-Family Dwelling-only development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.”

6. By adding a new Section 3.9.6.1, Affordable Housing in the TODD, which shall read as follows:

“Within the TODD, mixed-use buildings, mixed-use developments, and Multi-Family Dwelling-only developments with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of the By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) At least twelve and one-half percent (12.5%) shall be affordable units. In the instance of a fraction, the fraction shall be rounded to the nearest whole number.
- (c) All other requirements of Section 3.8.6 subparagraphs (c) thru (h) shall apply.”

7. By adding a new Section 3.9.9, Drive Aisle Requirements in the TODD, which shall read as follows:

“Notwithstanding the provisions of Section 5.1.3(i), within the TODD of the Lower Chestnut Street Overlay District, the minimum width of aisles within parking areas providing access to parking spaces for one-way traffic for a Multi-Family-only Dwelling shall be 20 feet, with a 25-foot turning radius throughout in order to accommodate fire truck movements.”

The following motion to amend was offered by Mr. Ted Owens; that under section 3.9.3.2 (1) the number “150” be deleted and the number “110” be inserted in place thereof.

Mr. Ted Owens, member, Planning Board, moved to discuss articles 25, 26, and 27 together and vote on separately. The motion to discuss these articles together was presented and carried by voice vote declared by the Moderator.

Mr. Owens explained that Article 25 seeks to create a new Transit Oriented Development Sub-District (Todd) within the lower chestnut Street Overlay District. The area includes 2 parcels inside the train tracks where the current Hartney Greymont building is located. There would be a total of 110 units of which half would contain two bedrooms and half would contain one bedroom and approximately 12.5% of these units would be considered affordable housing. He suggested that this would be a win-win situation for both the town and the property owner. The Planning Board strongly recommends adoption of these three articles.

Mr. Maurice P. Handel, member, addressed this proposal on behalf of the Select Board. He advised that the Select Board strongly opposes these three articles. The Select Board respects the Planning Board and its work, but this would negatively alter the area. Needham has approved many developments. The Kendrick has 390 units, 300 Second Avenue has 350 units, and the Modera on Greendale Avenue has 136 units. All this could add enough for one precinct to the Town. This proposed project is too urban for the neighborhood. The Select Board requests that you not approve these three articles.

Ms. Carol A. Fachetti, member, advised that the Finance Committee also respectfully requests that these three articles not be approved. This five-story multi-family unit project works for Boston workers using the train but not for Needham. And the Finance Committee is concerned with increased traffic. There is no current traffic study and no storm water study. There is a need for a complete stormwater assessment. It is premature to amend the by-law for this type of change. The Finance Committee recommends that Article 25 not be adopted.

Mr. Ford Peckham rose in opposition to this article. He indicated that the new owner would like to make money on this property.

Mr. Joseph J. Leghorn indicated that he went to the hearing and this property was projected as a New England Village. He did not see any visuals from Maple Street. He suggested that the Planning Board needs to address the shadows that this five-story building would create on residential homes.

Artie R. Crocker rose in opposition to these articles. He suggested that the Planning Board is to present articles that are good for the town.

Lois Sockol noted that people in that area bought homes because they wanted a residential neighborhood, but this is simply spot zoning. Ms. Sockol suggested that this is not a good structure for a residential area and for this town.

Ilan Barzilay offered a motion to move the previous question. The motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, and the Moderator was still in doubt. The motion was presented for a third time by a count of hands. The motion carried by the required

two-thirds vote. The hand count was Yes 157 – No 35 (128 required for two thirds vote).

Under Article 25, Mr. Owens motion to amend which requires a majority vote was presented but the Moderator was in doubt. The motion was again presented and carried by majority vote on a voice vote declared by the Moderator.

ACTION: The main motion, as amended, two-thirds vote required, was presented, but failed to pass on a voice vote declared by the Moderator.

ARTICLE 26: AMEND ZONING BY-LAW – MAP CHANGE TO CHESTNUT STREET BUSINESS DISTRICT AND LOWER CHESTNUT STREET OVERLAY DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Chestnut Street Business District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said district over the Chestnut Street Business District as noted above, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared

by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

Or take any other action relative thereto.

Article Information: Article 26 describes the geographical area located directly to the south and the west of 433 Chestnut Street proposed to be placed in the Chestnut Street Business District and the Lower Chestnut Street Overlay District. The affected area comprises land located directly to the south and the west of 433 Chestnut Street, owned by the MBTA and shown as Parcel 2 on a plan entitled "Re-zoning Plan of Land", prepared by Beals and Thomas, dated April 3, 2018. The land is currently located within the Single Residence B zoning district.

MOVED: That the Town vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Chestnut Street Business District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said district

over the Chestnut Street Business District as noted above, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

MOVED: That the Town vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Chestnut Street Business District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said district over the Chestnut Street Business District as noted above, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

ACTION: Under Article 26 the main motion was presented but failed to garner the required two-thirds vote. The motion failed on a voice vote declared by the Moderator.

ARTICLE 27: AMEND ZONING BY-LAW – MAP CHANGE TO TRANSIT ORIENTED DEVELOPMENT SUB-DISTRICT OF LOWER CHESTNUT STREET OVERLAY DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- a) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and depicted on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being of property now or formally owned by Joseph and Giselda Cucci more particularly bounded and described as follows: Beginning at a point on the most southwesterly corner opposite station 476+75.57 of the monumented railroad base line as shown on said plan; thence running NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 374.84 feet to a point on the northwesterly corner of land now or formerly of MBTA Right of Way; thence turning and running SOUTHEASTERLY by a curve having a radius of 478.68 feet and a distance of 487.77 feet to a point on the westerly side of the Chestnut Street Right of Way; thence turning and running in the SOUTHERLY direction along the Chestnut Street Right of Way a distance of 44.5 feet to a point on the MBTA Right of Way; thence turning and running in the WESTERLY direction along said MBTA Right of Way a distance of 228.81 feet to a point; thence turning and continuing in the WESTERLY direction along said Right of Way a distance of 108.53 feet to a point; thence turning and running in the NORTHERLY direction along said Right of Way a distance of 136.06 feet to a point; thence turning and running in the WESTERLY direction a distance of 110.10 feet to the point of beginning. Containing 100,470 square feet more or less.

(b) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

Or take any other action relative thereto.

Article Information: Article 27 describes the geographical area proposed to be placed in the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District. The affected area comprises 433 Chestnut Street and the land located directly to the south and the west of 433 Chestnut Street, owned by the MBTA and shown as Parcel 2 on a plan entitled "Re-zoning Plan of Land", prepared by Beals and Thomas, dated April 3, 2018. The subject land located at 433 Chestnut Street is currently located in the Chestnut Street Business District and the Lower Chestnut Street Overlay District. The subject land located directly to the south and the west of 433 Chestnut and owned by the MBTA is currently located within the Single Residence B zoning district. This later parcel is proposed to be rezoned to the Chestnut Street Business District and the Lower Chestnut Street Overlay District under Article 26 above.

MOVED: That the Town vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

a) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and depicted on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being of property now or formally owned by Joseph and Giselda Cucci more particularly bounded and described as follows: Beginning at a point on the most southwesterly corner opposite station 476+75.57 of the monumented railroad base

line as shown on said plan; thence running NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 374.84 feet to a point on the northwesterly corner of land now or formerly of MBTA Right of Way; thence turning and running SOUTHEASTERLY by a curve having a radius of 478.68 feet and a distance of 487.77 feet to a point on the westerly side of the Chestnut Street Right of Way; thence turning and running in the SOUTHERLY direction along the Chestnut Street Right of Way a distance of 44.5 feet to a point on the MBTA Right of Way; thence turning and running in the WESTERLY direction along said MBTA Right of Way a distance of 228.81 feet to a point; thence turning and continuing in the WESTERLY direction along said Right of Way a distance of 108.53 feet to a point; thence turning and running in the NORTHERLY direction along said Right of Way a distance of 136.06 feet to a point; thence turning and running in the WESTERLY direction a distance of 110.10 feet to the point of beginning. Containing 100,470 square feet more or less.

(b) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and located in the Massachusetts Bay Transit Authority (MBTA) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

ACTION: Under Article 27 the main motion was presented but failed to garner the required two-thirds vote. The motion failed on a voice vote declared by the Moderator.

ARTICLE 28: AMEND ZONING BY-LAW – SELF STORAGE FACILITIES IN MIXED USE-128 DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Retaining Wall" and before the existing definition of "Setback":

"Self-Storage Facility" – a climate-controlled facility constructed and configured to allow access to individuals or businesses who will lease individually self-contained units of the facility for the storage of personal or business possessions, excluding the storage of flammable liquids, gas or explosives."

2. Section 3.2.6 Uses in the Mixed-Use-128 District, by adding a new subsection (m) to subsection 3.2.6.2 Uses Permitted By Special Permit, to read as follows:

"(m) Self-Storage Facility."

3. Section 5.1.2 Required Parking, by adding a new subsection (21), to read as follows:

"(21) Self-Storage Facility One space per 10,000 square feet of floor area, plus one space per full-time employee"

Article Information: This article submitted by citizens' petition would amend the Zoning By-Law to allow self-service storage facilities in the Mixed Use 128 District.

A commercial redevelopment which would include self-storage spaces is currently proposed for 77 Charles Street, but the self-storage use is not allowed under the current By-Law as applied.

The petition would add a definition of "self-storage facility" to the Zoning By-Law, and to allow the Planning Board to authorize that use in the MU-128 district by special permit.

The language would provide for businesses and individuals to store property, other than flammable and explosive materials, in individual storage units within a climate-controlled facility. There would be a parking requirement for the facility of one space per 10,000 square feet of floor area, plus one space per full-time employee.

The Planning Board has scheduled a public hearing on this proposed amendment for April 2, 2019, and will thereafter report its recommendation to Town Meeting.

MOVED: That the Town vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Retaining Wall" and before the existing definition of "Setback":

"Self-Storage Facility" – a climate-controlled facility constructed and configured to allow access to individuals or businesses who will lease individually self-contained units of the facility for the storage of personal or business possessions, excluding the storage of flammable liquids, gas or explosives."

2. Section 3.2.6 Uses in the Mixed-Use-128 District, by adding a new subsection (m) to subsection 3.2.6.2 Uses Permitted By Special Permit, to read as follows:

"(m) Self-Storage Facility."

3. Section 5.1.2 Required Parking, by adding a new subsection (21), to read as follows:

"(21) Self-Storage Facility One space per 10,000 square feet of floor area, plus one space per full-time employee".

Article 28 was withdrawn on Monday, May 6, 2019.

ARTICLE 29: APPROPRIATE FOR FIRST BAPTIST CHURCH PORCH PRESERVATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$799,040 for the First Baptist Church Porch Preservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from CPA Fund Receipts; or take any other action relative thereto.

Article Information: The First Baptist Church has requested funding for the first of a multi-phase project to restore and preserve the 1856 building. The funding would support the restoration of the front porch – a prominent and identifying feature of the First Baptist Church. The restoration would include doors, columns, and decorative and architectural elements and detailing. The project also includes the restoration of the Church's historic clock and bell system.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$799,040 for the First Baptist Church Porch Preservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from CPA Fund Receipts.

Article 29 was withdrawn on Monday, May 6, 2019.

ARTICLE 30: APPROPRIATE FOR MODERNIZATION AND REDEVELOPMENT OF AFFORDABLE HOUSING

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$150,000 to hire a consultant for a modernization and redevelopment of affordable housing, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve; or take any other action relative thereto.

Article Information: The Needham Housing Authority has requested funding for a consultant to develop the architectural, engineering, survey, financial modeling, legal and related documents necessary for the Authority to obtain State and Federal funding for major modernization projects.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$150,000 to hire a consultant for a modernization and redevelopment of affordable housing, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve.

Mr. Christopher J. Gerstel, Member, Community Preservation Committee, requested that Reginald C. Foster, Member, Needham Housing Authority, address this article.

Mr. Foster advised that he is a member of the Needham Housing Authority and former Town Meeting Member. He

explained that this is a request for \$150,000 for consulting services for modernization and redevelopment of affordable housing at the Needham Housing Authority. This would allow the NHA to obtain State and Federal funding for major modernization projects. Seventy-five % of the buildings are for elderly. There is a small window of opportunity to submit the application which could take up to four years to process.

Mr. John A. Bulian, Chair, addressed this proposal on behalf of the Select Board which unanimously supports this article.

Mr. Thomas M. Jacob, member, addressed this proposal on behalf of the Finance Committee. He stated that the Community Preservation Committee fund of \$150,000 is being matched by the Needham Housing Authority for Seabeds Way and Capt. Robert Cook Drive. These are two projects estimated to cost \$7.9 million and \$18.5 million respectively. The Finance Committee supports this proposal.

Michael J. Greis expressed his hope that the consultant will include energy and sustainability provisions.

In response to an inquiry from Jeanne S. McKnight regarding the inclusion of both the Seabeds Way and High Rock areas, Mr. Foster advised that the first part of the application is not exclusive. An old section 2.2.2 arose from the dead and could be targeted to units at Chambers Street. While the Needham Housing Authority continues to have control over the property and buildings, any long-term lease is subject to the rental assistance protection program.

Ann DerMarderosian rose to commend the work of the Needham Housing Authority and questioned if there is a plan in place for the Linden Street/Chambers Street area. Kalpana Shah, NHA resident, rose and stated that this area is not eligible for Federal Funds and any plan needs to address all areas. Mr. Foster noted that there is a 5-year plan which includes the Linden Street/Chambers Street area.

Emily Rose Cooper rose in support of this proposal. She noted that repairs for affordable housing is tired to the state budget and that these repairs are based on need.

Ford Peckham recommended moving forward on this project as soon as possible.

Kalpana Shah stated that there has been no talk of updating the Linden Street/Chambers Street area and urged a no vote on this article.

ACTION: The main motion was presented and passed by unanimous vote.

At 11:05 P.M. Mr. Gilbert W. Cox, Jr. moved that the Annual Town Meeting stand adjourned to Monday, May 13, 2019 at 7:30 P.M. at the James Hugh Powers Hall, Town Hall and it was so voted unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
Attest:

ADJOURNED ANNUAL TOWN MEETING Monday, May 13, 2019

Pursuant to adjournment of the Annual Town Meeting held May 8, 2019 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Hall, Town Hall on Monday, May 13, 2019, at 7:30 P.M.

Check lists were used and 218 voters were checked on the list as being present, including 213 Town Meeting Members. 38 Town Meeting Members were absent.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

At the designation of the Reverend Nicholas Morris-Kliment, President of the Needham Interfaith Clergy Association, Reverend Nicholas Morris-Kliment, Rector, Christ Episcopal Church, gave the invocation.

Unanimous consent was given to suspend the proceedings for the twentieth Annual Richard Patton Melick Foundation awards. Ms. Laura A. Brooks, Vice President of the Richard Patton Melick Foundation, Inc., explained that Richard P. Melick was the former Moderator in the Town of Needham for 35 years and this foundation was established in 1997 to recognize extraordinary leaders in the Town of Needham. Ms. Brooks announced that the Melick Foundation gave a \$2500 Scholarship to Needham High School student Aisha Tipnis.

Ms. Brooks then presented certificates of appreciation to Michael J. Greis and Maurice P. Handel for serving 25 years as Town Meeting Members.

Mr. Philip V. Robey Director presented the first award to Richard and Gail Davis. One of the tenets of the Melick Foundation is "...the realization that citizens develop the quality of life in a community...". Rick and Gail Davis grew up in Needham, went to grammar school, junior high and high school and co-incidentally found each other as partners in life while preparing for their high school senior prom in the Needham High school gym.

Both went on to four-year colleges and shortly after graduation married and settled in their home town of Needham. Rick joined his dad in the insurance business, eventually becoming President and CEO of the company. His industry-recognized abilities led him to leadership position in state and national insurance organizations. Gail followed her calling by becoming a teacher. She was a special education teacher for twenty-three of her thirty years teaching in the Needham School System. Her easy manner and insightful collaboration lead her to become a favorite with her colleagues.

With the advent of children (Laura, Glen and Steve) involvement in community activities began. Gail became involved with Cub Scouts, Brownies and Girl Scouts. She was a PTC board member at both the High Rock and Hillside schools and held the position of president of both the High school PTC and the Rivers School Parents League. Rick, relying on his football experience at Needham High, coached Pop Warner Football.

Over time Gail and Rick with their "can do" attitudes were identified for participation in more community endeavors. Gail held a seat on the Needham Education Foundation Board

(N.E.F.) and in the mid-1990s she joined the League of Women Voters and was president twice. She is a board member of the Needham Garden Club and has been a Town Meeting Member since 2000. Rick was a president and 35-year member of the Needham Rotary Club, a longtime member and former chairman of the Needham Community Council, a former member and chairman of the Beth Israel Deaconess Hospital Trustee Board, and a Director of Needham's History Center and Museum. Most recently Rick was asked to serve as a North Hill Board Trustee. Rick has been a Town Meeting Member since 1976.

In recognition of their lifetime contribution to the "quality of life" in the Town of Needham, the Richard P. Melick Foundation is honored to present Rick and Gail the 2019 Melick Award.

Mr. Paul F. Milligan presented the second award posthumously to Barry McDonough. Barry R. McDonough was born in West Roxbury, MA in 1933. He graduated from St. Sebastian's School (then in Newton); and obtained his BA from Holy Cross College. An active alumnus, he served as president of the Holy Cross Alumni Association and recipient of the In Hoc Signo Award. Barry earned his JD from Boston College Law School, and later moved with his wife Diane to Needham in 1962, a town they came to love.

Very active in town, he was Town Meeting Member for 25 years, active on numerous committees through his tenure, including serving on and being named chairman of the Finance Committee. Barry was also active in Needham Boy Scouts, Needham Little League, and the St. Vincent de Paul Society. He was an active parishioner of St. Joseph's Church for over 50 years, active in its two schools, and also served as chairman of the Parish Council Finance Committee. Barry received the Archdiocese of Boston Cardinal's Bishop Cheverus Award for outstanding service to the Church. Barry was a Richard Patton Melick Foundation founder and served as Board member from 1997 - 2016.

He was Senior Partner at Parker Coulter Daley & White, practicing as a defense trial lawyer and eventually started his own firm, McDonough, Hacking & Lavoie. Barry lectured frequently on a variety of legal topics and was a respected mediator and arbitrator. He also served as a judicial Hearing Officer at the request of our highest court, the Massachusetts Supreme Judicial Court.

Barry retired in 2011 and remained active and compassionate in his service to Needham until passing in 2016.

When he was not engaged in extensive volunteering activities, Barry McDonough was happiest cooking and spending time with his wife Diane and 6 children, 17 grandchildren and 2 great-grandchildren.

With great pride, and appreciation the Richard Patton Melick Foundation recognizes his many contributions to our town and posthumously awards him the 2019 Melick Award.

At this time the Moderator made the following announcements:

The Needham Exchange is holding the second Needham Classic Car Show on Sunday, May 19, 2019 from 10 AM – 1 PM. This is a free event for the family and there will be refreshments.

Tonight's pages are Lily Pendergast and Chandler Perkinson.

The Needham Woman Suffrage Club Banner is on display in Powers Hall courtesy of the Needham Historical Center and Museum.

At 7:50 P.M. Mr. John A Bulian moved that the Annual Town Meeting stand adjourned until such time as the Special Town Meeting called for this evening at 7:30 P.M. is either adjourned or dissolved. It was so voted unanimously.

* * * * *

RECORD OF SPECIAL TOWN MEETING Monday, May 13, 2019

Pursuant to a Warrant issued by the Selectmen April 10, 2019 the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the James Hugh Powers Great Hall at the Needham Town Hall, Monday, May 13, 2019, at 7:30 o'clock in the afternoon.

The Moderator, Michael K. Fee, called the meeting to order at 7:50 o'clock.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Call to the Meeting and Officers Return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator requested and received unanimous consent to apply the same rules enacted for the Annual Town Meeting for the Special Town Meeting.

The Moderator announced that the proponents no longer have an interest in Article 1 and requested unanimous consent to withdraw this article. Town Meeting indicated that there were no objections to the withdrawal of Article 1 and it was so voted unanimously.

The Moderator announced that there are no changes in the affirmative motions.

As in the tradition of the Annual Town Meeting, the Moderator asked unanimous consent to omit the reading of the articles and to refer to them by number only. Any Town Meeting Member who wished to "question" or "debate" should so indicate when the number was called, and those articles not so indicated would be adopted by unanimous consent. There was no objection and the Moderator declared this method to be adopted unanimously.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 2. No Town Meeting Member responded with "question" or "debate" to Articles 2 and 3. The Moderator then called each of the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. It was so voted unanimously, and the Town Clerk was requested to so record. As a result, thereof, said articles and the votes thereunder are as follows:

ARTICLE 2: AMEND THE FY2019 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting, and amended under Article 4 of the October 10, 2018 Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
14A	Finance Department Salary & Wages	\$1,905,197	\$1,880,197
14B	Finance Department Expenses	\$949,492	\$959,492
14C	Finance Department Capital	\$75,000	\$90,000

or take any other action relative thereto.

Article Information: This article seeks to amend the Town's operating budget for fiscal year 2019 by lowering salary and wages by \$25,000 and increasing expenses by \$10,000 and capital by \$15,000. The Finance Department has had a long-term vacancy in the Treasurer/Collector's office which has proven difficult to fill. However, there was an increasing backlog of work which had to be performed, so the Department sought the assistance of temporary workers from an outside agency to help the office address immediate needs. Obtaining assistance from an outside agency is considered an expense not salary, so the Town needs to transfer funds from the salary and wages line to the expense line. There has been an increase in the number of laptops, computers, and peripherals needing replacement this year, and the \$15,000 transfer from the salary and wages line to the capital line will allow for those replacements. The availability of funds in the salary and wages line is due to vacancies in the Department.

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting, and amended under Article 4 of the October 10, 2018 Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
14A	Finance Department Salary & Wages	\$1,905,197	\$1,880,197
14B	Finance Department Expenses	\$949,492	\$959,492
14C	Finance Department Capital	\$75,000	\$90,000

ACTION: So voted by unanimous consent.

ARTICLE 3: AMEND THE FY2019 COMMUNITY PRESERVATION FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Community Preservation Fund budget adopted under Article 31 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
B	Community Preservation Fund Annual Reserve	\$1,025,153	\$1,016,491
C	Community Housing Reserve	\$289,000	\$293,331
E	Open Space Reserve	\$289,000	\$293,331

or take any other action relative thereto.

Article Information: This appropriation is necessary to ensure that the Town meets the required 10% minimum funding in the two reserves for FY2019. The Town received an increase in its contribution from the Commonwealth in FY2019, which accounts for the need to increase the reserves. This article will transfer \$8,662 from the discretionary annual reserve split evenly between the two specific reserves (\$4,331 each).

MOVED: That the Town vote to amend and supersede certain parts of the fiscal year 2019 Community Preservation Fund budget adopted under Article 31 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
B	Community Preservation Fund Annual Reserve	\$1,025,153	\$1,016,491
C	Community Housing Reserve	\$289,000	\$293,331
E	Open Space Reserve	\$289,000	\$293,331

ACTION: So voted by unanimous consent.

The Moderator proceeded with the remaining articles in the Warrant:

ARTICLE 1: APPROPRIATE FOR N² INNOVATION DISTRICT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$20,000 for the purpose of supporting the N² Innovation District, said sum to be spent under the direction of the Town Manager and raised from the FY2020 Tax Levy; or take any other action relative thereto.

Article Information: The 2017 Annual Town Meeting appropriated \$20,000 in matching funds to the N² Innovation District, under the auspices of the Newton Needham Chamber of Commerce. This contribution, in conjunction with funds provided by the City of Newton, helped the District leverage more than \$300,000 in private sector support. The District hired a director, built a dedicated website, created branding and marketing materials, and provided advocacy and support for business and property owners. The District is seeking an additional contribution by the Town in the amount of 420,000 to help the District build on efforts to market the area to new employers and workers, including business attraction, place-making and advocacy initiatives.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$20,000 for the purpose of supporting the N² Innovation District, said sum to be spent under the direction of the Town Manager and raised from the FY2020 Tax Levy.

Article 1 was withdrawn earlier this evening (May 13, 2019).

Article 2 was adopted by unanimous consent earlier this evening (Monday, May 13, 2019).

Article 3 was adopted by unanimous consent earlier this evening (Monday, May 13, 2019).

ARTICLE 4. AMEND GENERAL BY-LAWS NON-CRIMINAL DISPOSITION

To see if the Town will vote to amend Section 8.2.2.4 of the General By-Laws by inserting a new Sub-section V as follows:

“V. Street Occupancy Permit/Excavation in a Public Way (Sub-section 2.2.5.1.4)

Enforcement Agent: Director of Public Works or his or her designee

Fine Schedule:
\$300 per offense”

Or take any other action relative thereto.

Article Information: The Select Board is responsible for approving Grant of Location requests from public utilities intending to cross over or under the public way for the installation of wires and appurtenances. The Board has found that an increasing number of developers and contractors are completing the work prior to receiving the Grant of Location from the Board. The Grant of Location hearing is an important mechanism for ensuring that neighbors and abutters are able to ask questions and raise concerns with both the Town and the utility. The purpose of this General By-law amendment is to enable the Select Board to issue a fine to any individual who conducts excavation in a public way without the proper authorization from the Town.

MOVED: That the Town vote to amend Section 8.2.2.4 of the General By-Laws by inserting a new Sub-section V as follows:

“V. Street Occupancy Permit/Excavation in a Public Way (Sub-section 2.2.5.1.4)

Enforcement Agent: Director of Public Works or his or her designee

Fine Schedule:
\$300 per offense”

Mr. Daniel P. Matthews, member, addressed this proposal on behalf of the Select Board. He explained because there are contractors and developers that are completing work prior to receiving the Grant of Location. This this proposal would allow the Select Board to issue a fine to any individual who conducts excavation in a public way without obtaining the proper permits.

Mr. Joshua W. Levy, member, addressed this proposal on behalf of the Finance Committee. He stated that the Finance Committee unanimously recommends adoption of this article.

Mr. Ford Peckham noted that the word “evacuation” should be “excavation”. The moderator noted that this spelling error is in the article information section and not the article itself.

ACTION: The main motion was presented and carried by unanimous vote.

At 8:00 P.M. Mr. John A. Bulian, Chair, on behalf of the Select Board, moved to dissolve the Special Town Meeting with the following Resolution:

1THE FOLLOWING RESOLUTION**Was offered****In memory of****William M. Powers**

WHEREAS: William M. "Bill" Powers was born and raised in Newton and graduated from Newton High School; and

WHEREAS: Bill enlisted in the Army Reserve Program at Boston University. His education was interrupted a few weeks into his first year when he was ordered to report to Fort Wheeler, Georgia for basic training. Bill was assigned to the 106th infantry division and was shipped to Belgium, where he survived the Battle of the Bulge. After the war, Bill took advantage of the GI Bill and returned to Boston University where he received his Bachelor's and Master's degrees in Education; and

WHEREAS: Bill married Sally Blackman, living first in Newton and then settling in Needham where they raised their three sons Bill, Ted and Ben; and

WHEREAS: Bill served as an alderman while living in the City of Newton, and taught in the Newton and Brookline Public Schools. He then served the Needham Public Schools as Assistant Superintendent from 1957 to 1960 and as Superintendent from 1960 to 1979; and

WHEREAS: Bill excelled at tennis throughout his life. He won the Massachusetts Interscholastic Championship, was elected captain of Boston University's Varsity Tennis Team, was inducted into the New England Tennis Hall of Fame, was a member of the Longwood Cricket Club, and served as Regional President of the U.S. Tennis Association; and

WHEREAS: Bill also enjoyed writing, including two books - *You Can't Sew Pillows Under Them* and *An Old Duffers' Verse and Tales*, as well as numerous newsletters; and

WHEREAS: Bill was a member of the Needham League of Women Voters, the Rotary Club, and veterans organizations including the VFW and American Legion. He was co-founder of the Richard Patton Melick Foundation; and

WHEREAS: Bill served on the Finance Committee, and later as a member the Board of Selectmen from 1996 to 2003. He served as a Town Meeting Member for 45 years;

NOW THEREFORE, be it resolved by this body that the May 13, 2019 Special Town Meeting be dissolved in honor of the civic and community contributions of William M. "Bill" Powers to the Town of Needham.

ACTION: at 8:00 PM the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy
ATTEST:

* * * * *

The Moderator called the Annual Town Meeting back into session at 8:10 P. M., declared a quorum to be present, and requested the Town Clerk to so record. He recognized Needham's State Representative Denise C. Garlick and thanked her for making a special effort to attend Town Meeting. Discussion commenced under Article 32 upon the dissolution of the Special Town Meeting called for Monday, May 13, 2019 at 7:30 P. M.

Article 31 was adopted by unanimous consent on Monday, May 6, 2019.

Discussion commenced under Article 32.

ARTICLE 32: APPROPRIATE FOR TOWN COMMON RENOVATION DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$117,000 for the Town Common renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve; or take any other action relative thereto.

Article Information: The Town Common Renovation Project includes the green space and hardscape area of the Common, and is proposed to maximize the current use of space, complement Town Hall, enhance the "blue tree," and integrate with the new streetscape improvements. The project includes sod, trees, plantings, low maintenance hardscape materials, and improved accessibility. Pathways and landscaping will be adjusted for improved functionality, and electrical and sound capacity will be installed to accommodate community events. This article would fund the final design of the project.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$117,000 for the Town Common renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve.

The following motion to amend was offered by Peter J. Pingitore, Chairman, Community Preservation Committee: That the main motion under Article 32 be amended by deleting the words "FY2019 CPA General Reserve" and inserting the words "Open Space Reserve."

Robert J. Dermody, Member, addressed this proposal on behalf of the Community Preservation Committee. He project includes new irrigation, trees, renovated walkways, electrical upgrades and sound capacity for community events. He stated that the CPC voted unanimously to support this project.

Maurice P. Handel, member, advised that the Select Board voted unanimously to support this project.

Thomas M. Jacob, member, stated that the Finance Committee also unanimously supports adoption of this article.

In response to an inquiry from Steven Rosenstock, Mr. Pingitore indicated that there has been no determination at this time whether additional funding will come from the Open Space Reserve or the General Reserve.

In response to an inquiry from Lisa Cherbuliez, Robert J. Dermody noted that the CPC is not aware of any specific additional events.

Mr. Pingitore's motion to amend was presented and carried by unanimous vote.

ACTION: The main motion, as amended, was presented and carried by majority vote on a voice vote declared by the Moderator.

VOTED: That the Town vote to raise and/or transfer and appropriate the sum of \$117,000 for the Town Common renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Open Space Reserve.

Article 33 was adopted by unanimous consent on Monday, May 6, 2019.

ARTICLE 34: APPROPRIATE FOR CRICKET FIELD RENOVATIONS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$480,000 for Cricket Field renovations, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

Article Information: *The purpose of this project is to improve the functionality of Cricket Field. The field does not have a fully-functioning irrigation system, and the grading on the site is inconsistent and leads to localized draining issues. As part of the project, all turf will be stripped and top soil will be removed. The field will be regraded and the soil will be amended to allow for improved drainage. A new irrigation system will be installed and the field will be sodded.*

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$480,000 for Cricket Field renovations, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash.

Joseph P. Barnes, Member, addressed this proposal on behalf of the Community Preservation Committee. Mr. Barnes explained that Cricket Field has draining issues and needs re-grading. The plan is to remove the turf, regrade, add new soil and an irrigation system.

John A. Bulian, Chair, stated that the Select Board unanimously supports this article.

Thomas M. Jacob, member, advised that the Finance Committee also unanimously recommends adoption of this article.

ACTION: The main motion was presented and carried by majority vote on a voice vote declared by the Moderator.

Article 35 was adopted by unanimous consent on Monday, May 6, 2019.

ARTICLE 36: APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2020 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

A. Administrative and Operating Expenses of the Community Preservation Committee	\$82,000
--	----------

Reserves:

B. Community Preservation Fund	
Annual Reserve	\$945,546
C. Community Housing Reserve	\$312,071
D. Historic Resources Reserve	\$0
E. Open Space Reserve	\$312,071

or take any other action relative thereto.

Article Information: *Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve.*

MOVED: That the Town vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2020 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

A. Administrative and Operating Expenses of the Community Preservation Committee	\$82,000
--	----------

Reserves:

B. Community Preservation Fund	
Annual Reserve	\$945,546
C. Community Housing Reserve	\$312,071
D. Historic Resources Reserve	\$0
E. Open Space Reserve	\$312,071.

Peter J. Pingitore, Chairman, addressed this proposal on behalf of the Community Preservation Committee. He advised that this article is the annual appropriation article required under the Community Preservation Act of 2004. He thanked Town

Meeting Members for their support of the Community Preservation Committee and asked for their support.

Marianne B. Cooley, Member, advised that the Select Board unanimously supports this article.

Thomas M. Jacob, member, addressed this proposal on behalf of the Finance Committee. He explained that at least 10%

of the revenue be appropriated for community housing, historic preservation and open space. The Finance Committee unanimously supports this article.

ACTION: The main motion was presented and carried by unanimously vote.

ARTICLE 37: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$6,907,752 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$6,788,252 be transferred from Free Cash; that \$9,500 be transferred from Article 42 of the 2013 Annual Town Meeting for the DPW Boiler Replacement Design, that \$10,000 be transferred from Article 39 of the 2015 Annual Town Meeting for the High School Locker Reconfiguration & Addition, and that \$100,000 be transferred from Article 4 of the 2017 May Special Town Meeting for the DPW Boiler Replacement Design, Energy Efficiency Upgrade Improvements, and the High School Locker Reconfiguration & Addition, or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community Services	Center at the Heights Computer Lab	\$50,000	
Community Services	Library Furniture Replacement	\$112,960	
DPW	DPW Boiler Replacement 470 Dedham Avenue	\$50,000	
DPW	Public Works Infrastructure Program	\$2,169,550	
DPW	Specialty Equipment - Tractor	\$68,000	
DPW	Traffic Improvements	\$50,000	
DPW	Transfer Station Property Improvements	\$295,000	
General Government	Town Multi-Function Printer Devices	\$35,600	
General Government	Town Offices Replacement Furniture	\$25,000	
Multiple	Building Management System Upgrade	\$392,000	
Multiple	Fleet Replacement Program	\$1,270,648	
Public Safety	Personal Protective Equipment	\$43,424	
Public Safety	Police and Fire Mobile and Portable Radios	\$617,550	
Public Safety	Public Safety Desktops, Printers and Peripherals	\$200,000	
Public Safety	Public Safety Mobile Devices	\$35,000	
Public Schools	Energy Efficiency Upgrade Improvements	\$57,000	
Public Schools	High School Locker Reconfiguration & Addition	\$50,000	
Public Schools	Mitchell School Restroom Upgrades	\$67,000	

Group	Description	Recommended	Amendment
Public Schools	Newman Preschool Playground Custom Shade Shelter	\$69,200	
Public Schools	Newman School Gym Floor	\$275,000	
Public Schools	Pollard School Blue & Green Gym Score Boards	\$30,000	
Public Schools	School Furniture & Equipment	\$35,000	
Public Schools	School Master Plan Supplement	\$125,000	
Public Schools	School Photocopier Replacement	\$52,470	
Public Schools	School Technology Replacement	\$632,350	
Public Schools	Facility Assessment for Sustainable Building Management (Broadmeadow & Eliot)	\$100,000	
		\$6,907,752	

Article Information:

Center at The Heights Computer Lab

The purpose of this request is to replace the hardware and upgrade software associated with the Center at The Heights (CATH) Computer Lab. This will include desktops, laptops, servers, switches, firewall, and software upgrades. New models will take advantage of upgraded operating systems and faster processors to better serve the users of the Computer Lab.

Library Furniture

This request is for the second year of a four-year plan to replace library furniture. The Library has been open to the public for more than twelve years, and, due to heavy use, the furniture is beginning to show wear and tear. This request is to replace the community room audience stackable chairs.

DPW Boiler Replacement Design/470 Dedham Avenue

This funding will support design of the replacement of the DPW/470 Dedham Avenue boiler with two high efficiency condensing boilers. The increase to two boilers is based on both the need for redundancy in the heating season and the desire to improve energy efficiency. The boiler at the DPW was installed in 1961 and is past its useful life. This project may be eligible for energy efficiency rebates to offset the cost of buying a more efficient model. The project includes the upgrade of heat piping throughout the building with the assumption that the building will need to remain in use for the foreseeable future.

Public Works Infrastructure Program

The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts. This program consists of multiple categories, each with their own sub-projects. This year's request includes funding for street resurfacing, the sidewalk program, bridge repairs, storm drain capacity improvements and storm drain system repairs.

Street Resurfacing

The Town has 279 lane miles of accepted road that require maintenance. The average lifecycle of a road is 15 to 20 years. Specialized surface treatments can be applied within this period of time to sustain or extend the lifecycle of the roadway based on usage. The Town targets 17 lane miles of road per year in order to resurface roads before they reach the end of their lifecycle. These roads are prioritized based on a pavement condition index (PCI). The Town targets roads with a PCI of less than 70 for resurfacing and specialized treatment, and less than 60 for repair and renovation. The primary strategy of this program is asphalt paving and incidental work, including asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings, and signs. Target funding for street resurfacing in FY2020 is \$924,550.

Roadway Reconstruction

The Town evaluates the sight distance, drainage, handicap ramps, sidewalks, subsurface utilities, public utility poles and overhead utilities of all roads. The physical condition of roads to be considered for full reconstruction includes shape, foundation and traffic volume. This is a multi-year process requiring surveying, designing, utility evaluation and construction. Some of the roads that may be targeted for full reconstruction in the future include: Marked Tree Road, Nehoiden Street, Kingsbury Street, sections of Central Avenue, and Webster Street from Dedham Avenue to South Street. No funding is allocated to the Roadway Reconstruction category in FY2020.

Guardrail

Many of the Town's guardrails are noncompliant and the DPW is preparing a plan to systematically upgrade existing guardrails to make them both compliant and aesthetically pleasing. No funding is proposed for this category in FY2020.

Sidewalk Program

This Program funds improvements to the network of sidewalks throughout the community. There are over 160 miles of accepted sidewalks in Needham. Over half of the Town's sidewalks do not comply with current standards and require significant improvements, including the installation of handicapped ramps. Sidewalk improvements must comply with Federal and State laws and construction standards. Target funding for the sidewalk program in FY2020 is \$512,500.

Traffic Signal & Intersection Improvements

This Program will fund traffic signal improvements, intersection improvements, and new traffic signal installations where none currently exist. In FY2020, the DPW will evaluate intersection prioritization for future projects.

Bridge Repairs

Surrounded on three sides by the Charles River, the Town jointly maintains a number of bridges with neighboring communities. The Massachusetts Bridge Inspection Program has identified a number of bridges that have some level of deficiency and has recommended repairs. Target funding for bridge repair in FY2020 is \$100,000 (Newell's Bridge on Central Avenue into Dover – Design).

Storm Drain Capacity Improvements

This Program provides funding to improve roadway drainage capacity. The Town's Stormwater Master Plan identified a number of areas throughout Needham where improvements are required to resolve flooding problems and illicit discharge. Since the issuance of the Stormwater Master Plan, numerous multi-unit developments have been built in the Town of Needham. These developments include new roads with drainage structures and roof or sump connections that are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and caused flooding in some areas. Unless circumstances dictate otherwise, FY2020 target funding of \$362,500 is planned for Ardmere Road and Hunnewell Street storm drain construction.

Storm Drain System Repairs

This Program provides funding to repair failing storm drainage infrastructure within Town easements that have been discovered through investigation work. These projects will include the replacement of existing culverts that have deteriorated over time and are restricting flow. This work will help eliminate flooding and capacity issues in the immediate vicinity. Unless circumstances dictate otherwise, FY2020 funding in the amount of \$270,000 is targeted for construction activities at 470 South Street.

Brooks and Culverts – Repair and Maintenance

Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of useable abutting property and flooded basements. No funding is proposed for this category in FY2020.

DPW Specialty Equipment

Unit	Division	Year	Replacement	Amount
351	Parks & Forestry/DPW	2002	Tractor to be replaced in kind	\$68,000

Traffic Improvements

This funding would support projects that are recommended by the DPW and the Traffic Management Advisory Committee (TMAC). These recommendations include items such as permanent speed monitoring devices, traffic calming measures, and school zone enhancements. The proposed funding will support one or two construction-related requests per year, such as 500 feet of roadway granite curb installation, two school zone installations, two average traffic calming installations, several radar sign installations or sign and/or pavement markings.

Transfer Station Property Improvements

This request is to fund improvements to the Recycling & Transfer Station (RTS) facility to increase efficiency, comply with regulatory requirements, and improve the facility function. Presently the RTS is accessible to the public after hours. The installation of fencing will minimize public access and increase security. The Town is under obligation to separate the composting operations from the wetlands. Finally, the installation of an extended scale will accurately determine the weights of materials being shipped out of or dropped off at the RTS.

Town Multi-Function Printer Devices

This funding will allow for the replacement of multi-function copier/printers in the four primary Town locations (Town Hall, Public Services Administration Building, Public Safety, and Center at the Heights) as part of a planned replacement schedule. There are nine of these devices, only three of which were not purchased as part of the original construction project. Several of these devices are currently over six years old, and one is over eight years old. The cycle for replacement of these multi-function printers is seven years.

Town Office Furniture Replacement

Furniture in heavy use is in need of replacement at the Public Services Administration Building and Town Hall, which opened in 2010 and 2011 respectively. The \$25,000 requested in Fiscal Year 2020 will allow for the purchase of replacement furniture including tattered audience chairs in Powers Hall and the conference tables in the Public Services Administration Building.

Building Management System Upgrade

The Town maintains a Building Management System (BMS) to manage the heating, ventilation, and air conditioning (HVAC) for all major facilities throughout Town. This system consists of internal sensors in the HVAC components and a back-end software product that allows Building Maintenance staff to review and diagnose HVAC issues both remotely and on-site. This system is critical to the maintenance of healthy air temperature within the buildings. Currently, the Town has three separate systems. This request is to upgrade and standardize all of the existing systems so that the Town is only maintaining one system. The system will work with all of the controls in all buildings, with the exception of the Newman School, which will require a conversion of the controls in order for this new system to communicate. The new system will simplify the hardware and software in each building, be more user friendly, and allow integration with the afterhours permitting system.

General Fund Fleet Replacement Program

The Town's fleet replacement program was established in FY2015. The program includes a budget and schedule for the Town's rolling stock fleet of appropriately 220 vehicles, trailers, and large specialized attachments and the School Department fleet of 14 vans and buses. General purpose vehicles include pickup trucks, a variety of sedans, SUV's, vans, and police vehicles (87). They comprise approximately 39 percent of the entire fleet. General purpose vehicles are utilized in every department and are relatively interchangeable. The replacement of these vehicles can proceed on a regular schedule and should be part of the of the Town's recurring costs. The Town relies on a number of trailers for the purpose of moving tools and equipment, hauling trash and debris, and transporting special equipment. The Town has 47 trailers which represents approximately 23 percent of the fleet. Specialized, high value vehicles and snow and ice equipment comprise the other 38 percent of the fleet. These vehicles and equipment are just as integral to Town operations as the general purpose vehicles, but serve the unique purposes of specific departments or divisions. Included in this group are the high value vehicles such as ambulances, large dump trucks, fire engines, street sweepers, and others for which appropriations need to be planned. Unless circumstances require otherwise, the proposed FY2020 fleet replacement schedule is as follows.

General Fund Fleet Program – General Purpose Vehicles

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
457	Building	2006	Ford Taurus to be replaced by Toyota FAV4 or similar	\$33,085
C-42	Fire	2013	Explorer to be replaced by an SUV	\$35,249
2	Fleet/DPW	2010	Ford F150 to be replaced in kind	\$37,060
92	Engineering/DPW	2012	Ford Explorer to be replaced by Ford Van	\$41,550
57	Highway/DPW	2012	Ford F350 to be replaced in kind	\$63,804
705	Building Maintenance/DPW	2006	Ford E250 to be replaced by Ford F150	\$37,060
715	Building Maintenance/DPW	Addition to Fleet	Ford Van	\$43,709
56	RSD/DPW	2010	Ford F150 to be replaced by Ford F250	\$50,332
Bus 14	Needham Public Schools	2012	School Bus to be replaced in kind	\$81,942
Van 1	Needham Public Schools	2011	Ford E150 Van to be replaced by similar passenger van	\$38,388
Van 2	Needham Public Schools	2011	Ford E150 Van to be replaced by similar passenger van	\$38,388

General Fund Fleet Replacement – Specialized Equipment

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
256	Parks & Forestry/DPW	2008	Brush Bandit Chipper	\$64,936
38	Parks & Forestry/DPW	2007	Aerial Lift	\$274,434

General Fund Fleet Replacement – Snow & Ice Equipment

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
102	Highway/DPW	2008	Large Tractor to be replaced in kind	\$252,140
107	Highway/DPW	2008	Sidewalk Tractor Plow to be replaced in kind	\$178,571

Truck Classification

Class 1 = Smallest Pick-up Trucks 6,000 lbs.

Class 2 = Full Size or 1/2 Ton Pick-up Trucks 6K to 10K lbs. (ex Ford F150 and F250)

Class 3 = Heavy Duty Pick-up Trucks 10K to 14K lbs. (ex Ford F350)

Class 4 = Medium Size Work Trucks 14K to 16K lbs. (ex Ford F450)

Class 5 = Medium Job Trucks 16K to 19.5K lbs. (ex Ford F550)

Class 6 = Medium to Large Trucks 19.5K to 26K (ex Ford F650)

Class 7 = Heavy Duty Trucks 26K to 33K (ex Ford F750) Requires Class B Commercial

Class 8 = Largest Heavy Duty Trucks 33K lbs. or more (ex 18-wheeler)

Personal Protective Equipment – Bunker Gear

This request is to replace Personal Protective Equipment ("PPE" or "bunker gear") for 20% of all firefighting personnel on an annual basis. The PPE requested includes boots, firefighting pants and coat. Firefighting personnel regularly work in toxic environments caused by spills, chemical releases and the products of combustion. Further, the toxicity of these carcinogens appears to be greater and more concentrated, due to the widespread use of synthetic and petroleum based building materials and furnishings found in modern construction. These contaminants, chemicals, toxins and carcinogens adhere to firefighters' bunker gear, thus creating a lingering exposure concern. Current safety practices dictate that firefighters be issued two sets of PPE, so that once contaminated the equipment can be washed and dried in equipment designed specifically for that purpose. Maintaining a second set of PPE allows for contaminated equipment to be washed and dried properly, while allowing personnel to remain available to respond to calls.

Police and Fire Mobile And Portable Radios

Radios are the primary communication tool between Fire and Police staff in the field and the dispatch center. Current radios have been discontinued by the manufacturer, or are at the end of their useful life. This funding will support the replacement of Police cruiser radios, Police portable radios, Fire portable and mobile radios, and Emergency Management portable radios.

Public Safety Desktops, Printers And Peripherals

This request is to provide hardware for locations within the new public safety buildings. An estimated ninety (90) desktops and laptops are required. The majority of this hardware is located in the Fire Department, where there are few if any devices available currently. Often staff members in both Police and Fire are sharing equipment, requiring them to wait for others to finish their work. There are no available desktops or laptops for officers to use for online training or meetings.

Public Safety Mobile Devices

This funding will replace laptops and tablets that are used in the Needham Police and Fire Department Vehicles. The hardware is used to access multiple applications during daily operations. The hardware communicates with the Public Safety CAD software as well as State and Federal databases. The devices themselves are hardened military specification hardware manufactured for use in more intensive environments than normal off the shelf hardware.

Energy Efficiency Upgrade Improvements

An energy efficiency study was conducted for ten municipal buildings in 2011. The results of this study illustrate that if the Town makes an investment in recommended energy upgrades, the cost of these upgrades will pay for themselves within ten years. Unless circumstances require otherwise, FY2020 improvements will include the installation of bi-lighting throughout the building hallways to improve lighting at the Pollard Middle School, and the retro-commissioning of the HVAC at the High Rock School.

High School Locker Reconfiguration

This funding would support the reconfiguration of student physical education lockers at Needham High School to accommodate the increased student population. Currently, there are 508 lockers at the High School. The project will add 111 lockers in the boys' locker room and 104 lockers in the girls' locker room. Currently, each locker room has small, medium and large lockers. The reconfiguration would remove the doors and frames from the medium and large lockers, and would create three new, small lockers from every two medium lockers, and three new small lockers from every one large locker. (The existing small lockers would remain unchanged.) Additionally, a new bank of 30 lockers would be added in the boys' locker room, and 24 new lockers will be added in the girls' locker room.

Mitchell School Restroom Upgrades

There are currently six restrooms at the Mitchell that are not ADA/MAAB accessible. Many of the existing plumbing fixtures are 40 to 60 years old. The current stalls are not the proper size and do not have grab bars, the urinals and dispensers are not set at the proper height, the sinks do not have insulated pipes, and the restrooms do not have the minimum clearance or appropriate turning radius. The restrooms will be upgraded to meet ADA/MAAB requirements.

Newman Preschool Playground Custom Shade Shelter

The Newman Preschool playground is situated in a part of the school that has constant sunlight. Access to the playground is limited to cloudy days or to mild weather, given that there is no available shade. About half of the children who attend the preschool are identified as having special needs, and many struggle with their social-emotional skills. A custom shade shelter would increase the students' comfort and access to the playground, which in turn would create more meaningful social opportunities for them during the day.

Newman School Gym Floor

The floors at the Newman School gym are original to the building. Over the years, they have been subject to buckling. This buckling has accelerated in the past few years, making the conditions in the gym potentially unsafe. Due to the presence of asbestos-containing materials in the subfloor, temporary repairs are not possible. The existing flooring will be removed, the asbestos containing materials will be abated, and new wood sports flooring will be installed.

Pollard School Blue And Green Gym Score Boards

The Department is in the process of designing upgrades for both the Blue and Green gyms at the Pollard Middle School. These upgrades include replacement of the rubber flooring, replacement of siding, painting, and installation of padding, backboards, and winch mechanisms on the basketball hoops. In the Green gym, two sections of pull-out seating will be installed to accommodate classes. After those upgrades are made, the existing scoreboards will need to be replaced – they are beyond their useful life and the technology is outdated. They also contain incandescent bulbs, which are not energy efficient. The scoreboards in both gyms will be replaced with updated, electronic LED scoreboards. Shot clocks will be installed that have wireless controls and technology.

School Furniture & Equipment

In FY2005, Town Meeting approved funding to begin the replacement of furniture in poor and fair condition throughout the School Department. By FY2015, all furniture in poor condition was replaced in the schools. The FY2020 funding request will continue the replacement of furniture in fair condition at the Pollard School, provide funding for new classroom furniture as needed, and will address targeted furniture needs at Eliot and Mitchell Schools.

School Master Plan Supplement

Capital planning for the School Department has grown increasingly complex, given the pressing needs of accommodating Full-Day Kindergarten, providing capacity for a growing enrollment, and repairing and renovating aging facilities. These needs have made it difficult for the School Committee to prioritize the capital needs on the planning horizon. Meeting the identified needs within available resources and reasonable timeframes will require the School Department to carefully consider all of the possibilities and options for prioritizing and scheduling building projects going forward. The proposed study would develop recommendations for long-range school capital plans under different enrollment scenarios/trajectories and the practical considerations of aging buildings. Potential recommendations could involve other buildings and/or non-building solutions like redistricting.

School Photocopier Replacement

In May of 2003, Town Meeting authorized first year funding to establish a replacement cycle for school photocopiers. School photocopiers are located in all the schools and the administration building, and are used both by administrative and teaching staff. Teachers use the machines to reproduce classroom materials, including homework sheets, exams, teaching packets etc. Currently the School Department owns 45 copy machines. Copier replacement is planned on a life-cycle basis, which projects when a copier should be replaced based on actual usage and the manufacturer's total estimated capacity. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. This analysis assumes that copiers can be re-deployed around the District as needed, to better match projected usage with equipment capacity.

School Technology Replacement

The FY2020 request would fund the purchase of School Department technology, including desktop computers, printers, interactive white boards (IWBs), specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. The FY2020 request consists of \$519,350 for hardware (computers, printers, interactive white boards, door access controllers, projection screens and TV studio) and \$113,000 for infrastructure replacement (servers, network hardware, wireless data cabling and access points).

Facility Assessment For Sustainable Building Management

A facility assessment helps to guide major repairs and upgrades that may be required to ensure that older buildings remain sustainable. The Broadmeadow and Eliot Elementary Schools are approaching 20 years old, and may require upgrades beyond general maintenance. Many of the systems within the buildings, including heating, ventilation, and air conditioning (HVAC), boilers, and plumbing, are reaching the end of their useful life. A facility assessment will be conducted to determine the condition of the facility and to identify any major repairs and replacement needs.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$6,907,752 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$6,788,252 be transferred from Free Cash; that \$9,500 be transferred from Article 42 of the 2013 Annual Town Meeting for the DPW Boiler Replacement Design, that \$10,000 be transferred from Article 39 of the 2015 Annual Town Meeting for the High School Locker Reconfiguration & Addition, and that \$100,000 be transferred from Article 4 of the 2017 May Special Town Meeting for the DPW Boiler Replacement Design, Energy Efficiency Upgrade Improvements, and the High School Locker Reconfiguration & Addition, or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community Services	Center at the Heights Computer Lab	\$50,000	
Community Services	Library Furniture Replacement	\$112,960	

Group	Description	Recommended	Amendment
DPW	DPW Boiler Replacement 470 Dedham Avenue	\$50,000	
DPW	Public Works Infrastructure Program	\$2,169,550	
DPW	Specialty Equipment - Tractor	\$68,000	
DPW	Traffic Improvements	\$50,000	
DPW	Transfer Station Property Improvements	\$295,000	
General Government	Town Multi-Function Printer Devices	\$35,600	
General Government	Town Offices Replacement Furniture	\$25,000	
Multiple	Building Management System Upgrade	\$392,000	
Multiple	Fleet Replacement Program	\$1,270,648	
Public Safety	Personal Protective Equipment	\$43,424	
Public Safety	Police and Fire Mobile and Portable Radios	\$617,550	
Public Safety	Public Safety Desktops, Printers and Peripherals	\$200,000	
Public Safety	Public Safety Mobile Devices	\$35,000	
Public Schools	Energy Efficiency Upgrade Improvements	\$57,000	
Public Schools	High School Locker Reconfiguration & Addition	\$50,000	
Public Schools	Mitchell School Restroom Upgrades	\$67,000	
Public Schools	Newman Preschool Playground Custom Shade Shelter	\$69,200	
Public Schools	Newman School Gym Floor	\$275,000	
Public Schools	Pollard School Blue & Green Gym Score Boards	\$30,000	
Public Schools	School Furniture & Equipment	\$35,000	
Public Schools	School Master Plan Supplement	\$125,000	
Public Schools	School Photocopier Replacement	\$52,470	
Public Schools	School Technology Replacement	\$632,350	
Public Schools	Facility Assessment for Sustainable Building Management (Broadmeadow & Eliot)	\$100,000	
		\$6,907,752	

Matthew D. Borrelli, Member, addressed this article on behalf of the Select Board. He explained that the General Fund cash capital is higher this year due to the inclusion of the Public Works Infrastructure. The Select Board unanimously recommends adoption of this article.

Barry J. Coffman, Chair, advised that the General fund is all encompassing. He noted that this year's total is 1.8% greater than the total in FY19 and 98% comes from Free Cash. The Finance Committee unanimously recommends adoption of Article 37.

Under the Library Furniture replacement, John D. Crimmings questioned how many stackable chairs would be purchased for \$112,960. Mr. Borrelli advised that 160 chairs would be purchased at \$706 per chair.

In response to an inquiry from Jeanne S. McKnight regarding the Public Works infrastructure Program, Mr. Borrelli explained that the town does collect on certain storm drain repair systems from private sources. However, this article is focusing on older parts of the town.

Mr. Borrelli explained to one Town Meeting Member that the cost of the chairs is an estimate. He concurred with Paul Durda that any unused money will be returned.

In response to Carol I. Urwitz, Mr. Borrelli explained that the cost of various items comes from each department.

In response to Philip Edward Brandish, Mr. Borrelli explained that this is a 5-year plan on the state contract. The town will go out to bid on these chairs.

Mr. Paul S. Alpert asked for some input from the Finance Committee on how they review this article. Barry J. Coffman, Chair, advised that the management of the town set the amounts in this article. The Finance Committee does deliberate in detail and we also have open hearings.

Michael McKay advised that he is in the furniture business and that these are excellent chairs. Mr. Borrelli advised Robert J. Dermody that the existing chairs are not in useful condition and will be auctioned.

The following motion to amend was offered by Mr. Joseph J. Leghorn: that the appropriation be reduced from "\$112,960" under Community Services to "\$56,430".

Ilan Barzilay advised that he turned over his stackable chair, discovered the name of the manufacturer, googled said manufacturer and determined that the present cost of this chair is listed at \$778.

After a brief discussion, a motion to move the previous question on the main motion and the motion to amend was offered by Ford Peckham. The motion to amend was presented and passed by the required a two-thirds vote on a voice vote declared by the Moderator.

The motion to amend was presented, but the motion failed on a voice vote declared by the Moderator.

ACTION: The main motion was presented and carried by unanimous vote.

ARTICLE 38: APPROPRIATE FOR ATHLETIC FACILITY IMPROVEMENTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,500,000 for athletic facility improvements for turf field replacement, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Athletic Facility Improvement Fund; or take any other action relative thereto.

Article Information: This article would fund synthetic turf field replacement and related work at DeFazio and Memorial Parks. Each year, an impact test is performed on all artificial turf fields in Town. The most recent test shows that these fields are approaching the end of their useful life. The existing turf carpet will be removed, the fields will be regraded and new and more modern artificial field turf will be installed. The Town has been planning for the replacement of the turf fields through appropriations to the Athletic Facility Improvement Fund since 2012.

MOVED: That the Town vote to raise and/or transfer and appropriate the sum of \$2,500,000 for athletic facility improvements for turf field replacement, to be spent under the

direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Athletic Facility Improvement Fund.

Mr. Matthew D. Borrelli, Member, addressed this proposal on behalf of the Select Board. He explained that this article would replace the synthetic turf at DeFazio and Memorial Parks. An impact test is conducted yearly and these fields are nearing the end of their life expectancy. The Board of Selectmen unanimously recommends adoption of this article.

Mr. John P. Connelly, member, addressed this proposal on behalf of the Finance Committee. He explained that the Town has been approving funds in preparation for this necessary project.

The Finance committee unanimously recommends adoption of this article.

In response to an inquiry from Paul S. Alpert, Mr. Borrelli advised that the useful life of synthetic turf is ten years.

In response to an inquiry from William J. Paulson regarding the useful life of a portion of the High School field, Mr. Borrelli requested that Edward Olsen, Superintendent of Parks &

Forestry, respond to this question. Mr. Olsen explained that the original turf at Memorial Park was problematic and not a good area. The area will be much better with new synthetic turf.

Mr. Paul A. Siegenthaler rose in support of the high school field indicating that he was the former President of Needham Softball and indicated that our children use this diamond.

In response to an inquiry from Lance R. Brown, Edward Olsen advised that the useful life expectancy of the new synthetic turf is twelve to fifteen years as opposed to the original synthetic turf whose useful life was ten years. Now there is a test and a pad that is added that extends the life of the second generation.

In response to an inquiry from Georgina A. Arrieta-Ruetenik, Edward Olsen explained that the old turf must be recycled.

Edward Olsen explained to Karen E. Han that the little pellets of rubber that collect on the soccer cleats and are brought home are not a health hazard. This occurs as the fields age. With the new turf design there is much less crumbling of rubber.

ACTION: The main motion was presented and passed by the required two-thirds vote on a voice vote declared by the Moderator.

Articles 39, 40 and 41 were adopted by unanimous consent on Monday, May 6, 2019.

ARTICLE 42: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$75,000 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of March 29, 2019 was \$2,668,884.

MOVED: That the Town vote to raise, and/or transfer and appropriate the sum of \$75,000 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy.

Mr. Matthew D. Borrelli, member, recommended adoption of this proposal on behalf of the Select Board.

Mr. Barry J. Coffman, Chair, advised that the Finance Committee will start the process again for future needs. The Finance Committee unanimously recommends adoption of Article 42.

ACTION: The main motion was presented and passed by majority vote on a voice vote declared by the Moderator.

Article 43 was adopted by unanimous consent on Monday, May 6, 2019.

ARTICLE 44: APPROPRIATE TO CAPITAL FACILITY FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2007 Annual Town Meeting under Article 10 approved the creation of the Capital Facility Fund, as part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation, or reconstruction relating to the structural integrity, building envelope, or MEP (mechanical, electrical, plumbing) systems of then-existing capital facilities. The balance in the fund as of March 29, 2019 was \$1,874,435.

MOVED: That the Town vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy.

Article 44 was withdrawn on Monday, May 6, 2019.

Articles 45, 46, 47, and 48 were adopted by unanimous consent on Monday, May 6, 2019.

ARTICLE 49: AMEND GENERAL BY-LAW/STRETCH ENERGY CODE

To see if the Town will vote to amend its General By-Laws by adding thereto Section 3.10 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including future editions, amendments, or

modifications thereto, as set forth below; or take any action relative thereto.

Section 3.10 STRETCH ENERGY CODE

3.10.1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

3.10.2 Purpose The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

3.10.3 Applicability This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

3.10.4 Stretch Energy Code The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this section.

3.10.5 Enforcement The Stretch Energy Code is enforceable by the Building Commissioner effective January 1, 2020.

Article Information: *This Article would adopt the Massachusetts Stretch Energy Code as a Town by-law. The goal of the Stretch Code is to set standards beyond base State building code requirements in order to improve energy efficiency.*

Adoption of the Stretch Code was previously considered by Town Meeting in 2011, and referred to the Select Board for further study. Concerns at that time included uncertainties about then-pending code changes and potential hardships for owners of smaller and older homes.

Those issues have largely been resolved. The current stretch energy code is performance-based – it requires new homes to meet a Home Energy Rating System target, rather than requiring the installation of specific levels of energy efficiency for each building element. The current differences between the base and stretch codes are relatively narrow and apply only to new residential construction and commercial construction over 100,000 square feet, not to smaller additions, renovations, and repairs.

The Select Board has met with advocates for adoption of the Stretch Code, and also with architects and builders working in the community. Professionals are familiar with the Stretch Code, and report that that most new construction in Needham already uses it, and that is true in most area communities as well.

Adoption of the stretch energy code will allow the Town to apply for designation as a Green Community and qualify for grants to pay for energy saving projects. The recommendation to adopt the stretch energy code, however, stands on its own merit and a determination as to whether the Town should apply for Green Community status will be made at a later date. Adoption of the stretch code will contribute to efforts to address climate change at the local level.

MOVED: That the Town vote to amend its General By-Laws by adding thereto Section 3.10 entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments, or modifications thereto, as set forth below; or take any action relative thereto.

Section 3.10 STRETCH ENERGY CODE

3.10.1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

3.10.2 Purpose The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

3.10.3 Applicability This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

3.10.4 Stretch Energy Code The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this section.

3.10.5 Enforcement The Stretch Energy Code is enforceable by the Building Commissioner effective January 1, 2020.

Mr. Daniel P. Matthews, Member, addressed this proposal on behalf of the Select Board. He explained that the

stretch energy code goes beyond the base code and improve energy efficiency. The Select Board suggested that it makes sense to join this program.

Joshua W. Levy, Member, recommended adoption on behalf of the Finance Committee. He advised that this applies mostly to new construction.

Paul S. Alpert, Chair, recommended adoption on behalf of the Planning Board.

In response to an inquiry from Catherine E. Kurkjian, Mr. Matthews advised that we are currently using the 2015 base energy code.

ACTION: The main motion was presented and carried by majority vote on a voice vote declared by the Moderator.

ARTICLE 50: HOME RULE PETITION – TOWN MEETING

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that the legislation be adopted precisely as follows;

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of same, as follows:

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by Chapter 341 of the Acts of 2018 be amended as follows:

In Section 11. Time, Notice, Conduct and Adjournment of Town Meeting, by striking out the first paragraph and inserting in its place the following paragraph: “The annual town meeting for the election of town officers and such other matters as may be voted on the official ballot thereof shall be held in February, March, April or May of each year, on a date fixed by by-law. The annual town meeting for the transaction of business by the representative town meeting shall be divided into two business meetings. The first business meeting shall be held in May of each year and the second business meeting shall be held in November of each year, on dates fixed by by-law. Proposed amendments to the Needham Zoning By-Law shall be considered during the second business meeting.”

SECTION 2. This act shall take effect January 1, 2020.

Or take any other action relative thereto.

Article Information: This article, submitted by citizens’ petition, requests Town Meeting approval of a Home Rule petition to amend the Town Charter provisions regarding scheduling of the representative Annual Town Meeting (ATM).

At present, the Annual Town Meeting begins on the first Monday in May, as provided in the General By-Laws pursuant to the current Charter. If the business is not completed in the first session, the meeting continues on successive Wednesdays and Mondays, unless otherwise voted by Town Meeting, until all business is completed. Special Town Meetings may be called at any time of year on at least fourteen days’ notice.

The proposed amendment would divide the Annual Town Meeting into two meetings, the first to be held in May and the second in November, and provide that Zoning By-Law amendments be considered in the second meeting. The amendment would not change the scheduling of Special Town Meetings.

MOVED: That the Town vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that the legislation be adopted precisely as follows;

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of same, as follows:

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by Chapter 341 of the Acts of 2018 be amended as follows:

In Section 11. Time, Notice, Conduct and Adjournment of Town Meeting, by striking out the first paragraph and inserting in its place the following paragraph: “The annual town meeting for the election of town officers and such other matters as may be voted on the official ballot thereof shall be held in February, March, April or May of each year, on a date fixed by by-law. The annual town meeting for the transaction of business by the representative town meeting shall be divided into two business meetings. The first business meeting shall be held in May of each year and the second business meeting shall be held in November of each year, on dates fixed by by-law. Proposed amendments to the Needham Zoning By-Law shall be considered during the second business meeting.”

SECTION 2. This act shall take effect January 1, 2020.

Mr. Joshua W. Levy, Precinct C Town Meeting Member, advised that this article would address town Meeting. He explained that zoning amendments create a lot of debate and can last from 3 – 5 nights. Article 50 would formalize the division of the Annual Town Meeting into two parts – one in the spring and one in the fall.

Mr. Daniel P. Matthews, Member, advised that the Select Board is always on the lookout to make Town Meeting work better and more efficiently. However, the Select Board does not agree with this petition which calls for a Town Meeting in November. We have a Special Town Meeting in the fall and other times during the year as needed. We already make Town Meeting Members spend multiple nights in May so the Select Board does not feel this is a good use of time. The Board feels it is best to stay with the Annual Town Meeting in May and have one night specials. The Select Board respectfully requests a no vote on this article.

Paul S. Alpert, Chair, advised that the Planning Board unanimously voted against this article. The Planning Board is concerned with limiting zoning article to a fall Town Meeting.

Kimberly Knickle-Tierney expressed appreciation for Mr. Levy’s efforts for predictability.

Mr. Richard J. Reilly expressed concern with the last sentence in Section 11. He moved that the words “It is intended that” be added to the beginning of the last sentence and the capital “P” in the word proposed by made a small “p”. Mr. Levy rose in support of this amendment.

Mr. Artie R. Crocker rose in opposition to this Article. He expressed appreciation for Mr. Levy's article but suggested that people get use to the May Town Meetings. There is more time in the spring.

Mr. Adam J. Block rose in opposition to the article and the motion to amend. He advised that he is a member of the Council of Economic Advisors. He feels that this would limit zoning and restrict public debate. Lois Sockol also rose in opposition to this proposal

Mr. Peter Sergey Panov rose in support of this proposal.

Mr. Reilly's motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and passed on a voice vote declared by the Moderator.

ACTION : The main motion, as amended, was presented but the motion failed on a voice vote declared by the Moderator.

**ARTICLE 51: HOME RULE PETITION –
RESOLUTION TO CALL FOR THE UNITED STATES TO
“PULL BACK FROM THE BRINK” AND PREVENT
NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE
FUTURE OF HUMANITY AND THE PLANET**

Moved, that Town Meeting adopt the following Resolution, or take any other action in relation thereto:

**RESOLUTION TO CALL FOR THE UNITED STATES TO
“PULL BACK FROM THE BRINK” AND PREVENT
NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE
FUTURE OF HUMANITY AND THE PLANET**

WHEREAS, since the height of the Cold War, the United States and Russia have dismantled more than 50,000 nuclear warheads, but approximately 15,000 of these weapons still exist and, thus, still pose an intolerable risk to human survival; and

WHEREAS, approximately 95 percent of these weapons are in the hands of the United States and Russia, while the remainder are held by 7 other countries, namely, China, France, Israel, India, North Korea, Pakistan, and the United Kingdom; and

WHEREAS, nuclear war would directly kill hundreds of millions of people and cause unimaginable environmental damage; and

WHEREAS, there is a high probability that such a nuclear war would lead to catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age, thus resulting in the starvation of the vast majority of the human race, quite possibly leading to our extinction and the extinction of multiple other species; and

WHEREAS, even the use of a tiny fraction of these weapons would cause worldwide climate disruption and global famine; e.g., as few as a 100 Hiroshima-sized bombs (small by modern standards) would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, cutting food production and putting 2 billion people at risk of starvation; and

WHEREAS, despite the popular notion that these arsenals exist solely to guarantee they will never be used, on multiple occasions

nuclear armed states have proceeded to the brink of using these weapons, and their use was narrowly averted; and

WHEREAS, former Defense Secretary Robert McNamara—speaking about the Cuban Missile Crisis in The Fog of War—said, “It was luck that prevented nuclear war”; and

WHEREAS, our nuclear policy must NOT be subject to the whims of “luck;” and

WHEREAS, the growing climate crisis is stressing communities around the world and intensifying the likelihood of conflict, and, thus, the danger of war and the possibility of escalating to nuclear war; and WHEREAS, the planned expenditure of more than \$1 trillion dollars to enhance the U.S. nuclear arsenal will not only increase the risk of nuclear disaster but also fuel a global arms race and divert crucial resources needed to assure the well-being of the American people and people all over the world; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons.

BE IT RESOLVED THAT the Town of Needham, Massachusetts, acting through its elected Representative Town Meeting, calls upon our federal leaders and our nation to make nuclear disarmament the centerpiece of U.S. national security policy and to work toward the goal of signing the Treaty on the Prohibition of Nuclear Weapons.

BE IT FURTHER RESOLVED that Town Meeting calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the president's sole, unchecked authority to launch a nuclear attack;
- taking U.S. nuclear weapons off “hair-trigger” alert;
- cancelling all plans to add weapons to the U.S. nuclear arsenal that would make it more likely that leaders will initiate nuclear war; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

BE IT FURTHER RESOLVED that Town Meeting requests that the Town Clerk send a copy of the Resolution adopted by Town Meeting to our U.S. Congressional Representative Joseph P. Kennedy, III, U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and President Donald J. Trump.

Article Information: This article, submitted by citizens' petition, requests a non-binding resolution of Town Meeting in support of proposed actions by the Town's Representatives in Congress and the President of the United States to achieve nuclear disarmament and a reduction in the threat of nuclear war.

Moved, that Town Meeting adopt the following Resolution, or take any other action in relation thereto:

**RESOLUTION TO CALL FOR THE UNITED STATES TO
“PULL BACK FROM THE BRINK” AND PREVENT
NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE
FUTURE OF HUMANITY AND THE PLANET**

WHEREAS, since the height of the Cold War, the United States and Russia have dismantled more than 50,000 nuclear warheads,

but approximately 15,000 of these weapons still exist and, thus, still pose an intolerable risk to human survival; and

WHEREAS, approximately 95 percent of these weapons are in the hands of the United States and Russia, while the remainder are held by 7 other countries, namely, China, France, Israel, India, North Korea, Pakistan, and the United Kingdom; and

WHEREAS, nuclear war would directly kill hundreds of millions of people and cause unimaginable environmental damage; and

WHEREAS, there is a high probability that such a nuclear war would lead to catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age, thus resulting in the starvation of the vast majority of the human race, quite possibly leading to our extinction and the extinction of multiple other species; and

WHEREAS, even the use of a tiny fraction of these weapons would cause worldwide climate disruption and global famine; e.g., as few as a 100 Hiroshima-sized bombs (small by modern standards) would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, cutting food production and putting 2 billion people at risk of starvation; and

WHEREAS, despite the popular notion that these arsenals exist solely to guarantee they will never be used, on multiple occasions nuclear armed states have proceeded to the brink of using these weapons, and their use was narrowly averted; and

WHEREAS, former Defense Secretary Robert McNamara—speaking about the Cuban Missile Crisis in *The Fog of War*—said, “It was luck that prevented nuclear war”; and

WHEREAS, our nuclear policy must NOT be subject to the whims of “luck;” and

WHEREAS, the growing climate crisis is stressing communities around the world and intensifying the likelihood of conflict, and, thus, the danger of war and the possibility of escalating to nuclear war; and WHEREAS, the planned expenditure of more than \$1 trillion dollars to enhance the U.S. nuclear arsenal will not only increase the risk of nuclear disaster but also fuel a global arms race and divert crucial resources needed to assure the well-being of the American people and people all over the world; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons.

BE IT RESOLVED THAT the Town of Needham, Massachusetts, acting through its elected Representative Town Meeting, calls upon our federal leaders and our nation to make nuclear disarmament the centerpiece of U.S. national security policy and to work toward the goal of signing the Treaty on the Prohibition of Nuclear Weapons.

BE IT FURTHER RESOLVED that Town Meeting calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the president’s sole, unchecked authority to launch a nuclear attack;
- taking U.S. nuclear weapons off “hair-trigger” alert;

- cancelling all plans to add weapons to the U.S. nuclear arsenal that would make it more likely that leaders will initiate nuclear war; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

BE IT FURTHER RESOLVED that Town Meeting requests that the Town Clerk send a copy of the Resolution adopted by Town Meeting to our U.S. Congressional Representative Joseph P. Kennedy, III, U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and President Donald J. Trump.

Dr. Joseph McCabe addressed this petition on behalf of a group of Needham residents. He stated that prevention is the only cure for nuclear war.

Linda Davis, resident, addressed this proposal. She explained that there was a resolution passed on December 7, 1981 by a hand count of hands Yes 118 – No 68 calling for a freeze on nuclear war. She noted that while it did not eliminate nuclear weapons, it did reduce the number of weapons from 60,000 to 15,000.

Mr. Peter Metz, resident, addressed this petition on behalf of the petitioners. He noted that he moved to North Hill three- and one-half years ago and is a retired engineer. In retirement he focused on the threat of nuclear weapons and suggested that if we don’t address this resolution, we won’t be able to solve world hunger or any other world issues. Mr. Metz noted that we have these weapons to deter other countries to not use their nuclear weapons. We all need to work together to get out of this mess and now is the time to start.

Mr. John A. Bulian, Chair, offered a motion the following motion to amend: that the title of the main motion under Article 51 be amended by deleting the words “Home Rule Petition”. He explained that this is a petition and not a Home Rule Petition.

Doug H. Fox rose in opposition to this petition. He suggested that this is not a town issue but a national issue and the petitioners should talk to senators and representatives.

Mr. Ralph Poness, resident from Precinct D, stated that the original resolution in 1981 was passed by Town Meeting and a group produced a large rally in Central park. That resolution helped to reduce the number of nuclear weapons from 60,000 to 15,000.

Lois Sockol rose in support of this petition. She said that this proposal gives us a chance to speak. Think of your conscience, or kids, or grandkids.

Terence P. Noonan stated that there is a Nike Site in Needham, so this proposal is within the four corners. This is a moral issue.

Artie R. Crocker rose in support of this petition. He urged Town Meeting to take a stand. It is within the four corners and our community connects to the next and the next....

M. Patricia Cruickshank and Jeanne S. McKnight also rose in support of this petition.

A motion to move the previous question was offered by William R. Dermody. The motion was presented and passed by the required two-thirds vote on a voice vote declared by the Moderator.

Mr. Bulian's motion to amend was presented and passed by majority vote on a voice vote declared by the Moderator so that the title of Article 51 reads as follows:

ARTICLE 51: RESOLUTION TO CALL FOR THE UNITED STATES TO "PULL BACK FROM THE BRINK" AND PREVENT NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE FUTURE OF HUMANITY AND THE PLANET

ACTION: The main motion, as amended, was presented but the Moderator was in doubt. The motion was again presented and carried on a voice vote declared by the Moderator.

VOTED: RESOLUTION TO CALL FOR THE UNITED STATES TO "PULL BACK FROM THE BRINK" AND PREVENT NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE FUTURE OF HUMANITY AND THE PLANET

WHEREAS, since the height of the Cold War, the United States and Russia have dismantled more than 50,000 nuclear warheads, but approximately 15,000 of these weapons still exist and, thus, still pose an intolerable risk to human survival; and

WHEREAS, approximately 95 percent of these weapons are in the hands of the United States and Russia, while the remainder are held by 7 other countries, namely, China, France, Israel, India, North Korea, Pakistan, and the United Kingdom; and

WHEREAS, nuclear war would directly kill hundreds of millions of people and cause unimaginable environmental damage; and

WHEREAS, there is a high probability that such a nuclear war would lead to catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age, thus resulting in the starvation of the vast majority of the human race, quite possibly leading to our extinction and the extinction of multiple other species; and

WHEREAS, even the use of a tiny fraction of these weapons would cause worldwide climate disruption and global famine; e.g., as few as a 100 Hiroshima-sized bombs (small by modern standards) would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, cutting food production and putting 2 billion people at risk of starvation; and

WHEREAS, despite the popular notion that these arsenals exist solely to guarantee they will never be used, on multiple occasions nuclear armed states have proceeded to the brink of using these weapons, and their use was narrowly averted; and

WHEREAS, former Defense Secretary Robert McNamara—speaking about the Cuban Missile Crisis in *The Fog of War*—said, "It was luck that prevented nuclear war"; and

WHEREAS, our nuclear policy must NOT be subject to the whims of "luck;" and

WHEREAS, the growing climate crisis is stressing communities around the world and intensifying the likelihood of conflict, and, thus, the danger of war and the possibility of escalating to nuclear war; and WHEREAS, the planned expenditure of more than \$1 trillion dollars to enhance the U.S. nuclear arsenal will not only increase the risk of nuclear disaster but also fuel a global arms

race and divert crucial resources needed to assure the well-being of the American people and people all over the world; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons.

BE IT RESOLVED THAT the Town of Needham, Massachusetts, acting through its elected Representative Town Meeting, calls upon our federal leaders and our nation to make nuclear disarmament the centerpiece of U.S. national security policy and to work toward the goal of signing the Treaty on the Prohibition of Nuclear Weapons.

BE IT FURTHER RESOLVED that Town Meeting calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the president's sole, unchecked authority to launch a nuclear attack;
- taking U.S. nuclear weapons off "hair-trigger" alert;
- cancelling all plans to add weapons to the U.S. nuclear arsenal that would make it more likely that leaders will initiate nuclear war; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

BE IT FURTHER RESOLVED that Town Meeting requests that the Town Clerk send a copy of the Resolution adopted by Town Meeting to our U.S. Congressional Representative Joseph P. Kennedy, III, U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and President Donald J. Trump.

ARTICLE 52: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

The Moderator stated that there is no action to be taken under Article 52 and declared Article 52 disposed of.

The Moderator then thanked the various committees and volunteers for all their hard work during the year. He thanked the Finance Committee for looking out for Town Meeting, the Town Clerk and her staff, the custodian Pat Thornton and the custodial staff. He noted that we all have a much greater appreciation for the stackable chairs. He thanked Steven Jacques for serving as Marshall and the two pages, Lily Pendergast and Chandler Perkinson. He thanked Sandy Cincotta for manning the projector and Mark Mandell and the Needham Cable TV for televising our Town Meetings. He thanked the Town Meeting Members and acknowledged that we have a great town.

At this time the Moderator announced that Lt. John Kraemer will be retiring after having served Town Meeting and the Town for over thirty years of service.

At 11:10 P.M. Mr. John A. Bulian on behalf of the Select Board moved to dissolve the Annual Town Meeting with the following Resolution:

THE FOLLOWING RESOLUTION

was offered

In memory of

John H. Cogswell

WHEREAS: John H. "Jack" Cogswell was born and raised in northern New York; and

WHEREAS: Jack was a graduate of Dartmouth College, and received his Masters of Science in Civil Engineering from Dartmouth's Thayer School of Engineering. After Dartmouth, he served in the Army reserves, achieving the rank of Captain; and

WHEREAS: Jack was married to the late Patricia "Pat" (Morrissey) for 59 years, and together they raised their two children Julie and Catherine. Jack and Pat lived most of their adult lives in Needham, including four separate occasions between 1956 and 2018. For most of those years, Jack lived in the John Mills House on Great Plain Avenue, moving to North Hill for the final years of his life; and

WHEREAS: Jack worked at the New England Telephone Company for 34 years, starting as a pole climber and rising through the ranks until his retirement as Secretary and Treasurer of the company; and

WHEREAS: Jack's service to the Town of Needham is almost without parallel. He was the host of the "Talk of the Town" show on the Needham Channel for many years – he felt strongly that the general public should have a greater understanding of local government. He was especially passionate in his advocacy of all Public Works matters, and may be best known for his "bubble speech," in which he convinced Town Meeting that appropriate investment in roads and public infrastructure was critically necessary and overdue; and

WHEREAS: Jack was a committed member of the Needham Historical Society from 1975 to 2018. He served at times as Treasurer, Director, and Trustee of the endowment fund. He had a passion for the health care industry. One of his most notable achievements was leading the effort to merge the Glover Hospital with the Deaconess Medical Center of Boston – an enduring and successful model for hospital collaboration in the Commonwealth; and

WHEREAS: Jack served on many boards and committees in Needham, including the Board of Selectmen from 1996 to 2008, the Planning Board, the Solid Waste Disposal and Recycling Committee, the Taxation Aid Committee, the Council of Economic Advisors, the Economic Development Advisory Committee, the New England Business Center Development Advisory Committee, the Historical Commission, the Community Preservation Committee, the Board of Appeals, the Water and Sewer Rate Structure Committee, the Traffic Management Advisory Committee, and the Trustees of Glover Memorial Hospital. He served as a Town Meeting Member from 1975 to 2007 and from 2015 to 2018. In February 2019, the Select Board voted to name the new Central Avenue Storage Building on Central Avenue in his honor;

NOW THEREFORE, be it resolved by this body that the 2019 Annual Town Meeting be dissolved in honor of the civic and community contributions of John H. "Jack" Cogswell to the Town of Needham.

ACTION: At 11:10 P.M. on Monday, May 13, 2019, the Resolution was presented and carried unanimously by voice vote.

Theodora K. Eaton, MMC
Town Clerk

A true copy

ATTEST:

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least 7 days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 12th day of February, 2019.

DANIEL P. MATTHEWS, *Chair*
JOHN A. BULIAN, *Vice Chair*
MAURICE P. HANDEL, *Clerk*
MATTHEW D. BORRELLI
MARIANNE B. COOLEY

Select Board of Needham

A true copy,
ATTEST _____ 2019
Constable (month) (day)